



## SELECT BOARD CALENDAR II

(ADDITION OF WARRANT ARTICLES 23 AND 24)

### 05/10/2022 | HYBRID MEETING

Please click this URL to Register & Find the Information to Join as an Attendee via your Confirmation Email:

[https://brooklinema.zoomgov.com/webinar/register/WN\\_Q4bEy39NSnC6GULBO3om8w](https://brooklinema.zoomgov.com/webinar/register/WN_Q4bEy39NSnC6GULBO3om8w)

- Heather A. Hamilton – Chair
- Raul Fernandez – Vice Chair
- Bernard W. Greene
- John VanScoyoc
- Miriam Aschkenasy
- Melvin A. Kleckner – Town Administrator

To Join by Phone: +1 646 828 7666

Webinar ID: 160 509 1039

To Watch and Comment:  
BrooklineInteractive.org/live

#### 1. ORGANIZATION OF THE SELECT BOARD

**6:00 PM Reorganization of Select Board leadership.**

#### 2. ANNOUNCEMENTS/UPDATES

**Select Board to announce recent and/or upcoming Events of Community Interest.**

#### 3. PUBLIC COMMENT

**Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.**

*Up to fifteen minutes for public comment shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Select Board's office at 617-730-2202 or by e-mail at [kmacgillivray@brooklinema.gov](mailto:kmacgillivray@brooklinema.gov). The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>*

#### 4. MISCELLANEOUS

**Approval of miscellaneous items, licenses, vouchers, and contracts.**

**4.A. Question of approving the meeting minutes from April 26, 2022.**

**4.B. Question of approving the authorization to hire request to backfill the following position in the Police Department:  
Chief Emergency Telecom Dispatcher (T-07)**

**4.C. Question of approving the authorization to hire request to backfill the Assistant Treasurer (T-07) in the Finance Department.**

**4.D. Question of approving the authorization to hire request to backfill the following position in the Legal Department:**

**Senior Paralegal Secretary (C-09)**

- 4.E. Question of approving the authorization to hire request to backfill the following positions in the Library Department:  
Business Manager-Library (KA-05)  
Assistant Director of Technology (T-10)**
- 4.F. Question of approving the authorization to hire requests to backfill the following positions in the Recreation Department:  
  
Supervisor of Recreational Building Operations (T-7)  
Recreation Leader - Environmental Ed (GN-07)  
Equipment Repair and Maintenance Tech (GN-07)**
- 4.G Question of accepting a grant from the Lauren Dunn Astley Memorial Fund for the AWARE After School Youth Training program in the amount of \$2,000.**
- 4.H Question of approving the following donations to the Brookline Asian American Family Network for the annual Asian American Essay Contest Awards Ceremony and AAPI Heritage Month Celebration that is being held on Wednesday May 11th.**
- 4.I. Question of approving the proclamation for Children's Mental Health Awareness Week and Month.**
- 4.J. Question of approving the proclamation for National Public Works Week from May 15 - May 21, 2022.**
- 4.K Question of approving a contract with Cassidy Bros. Forge, Inc. for the supply and installation of replicated doors and hardware at the historic, masonry crypt tombs in the Old Burying Ground in the amount of \$49,067.00.**
- 4.L. Question of approving Extra Work Order #1 associated with contract PW/20-02 Repair and Installation of Chain Link Fencing (R.A.D Corp. d/b/a R.A.D Sports) in the amount of \$23,570.50 for additional work required for fence repair due to damage that has occurred during snow response.**
- 4.M Question of approving Extra Work Order #1 associated with contract PW/21-07 Beacon Street and General Grounds Maintenance (Leahy Landscaping, Inc.) in the amount of \$12,000 for additional hourly work to assist with landscaping maintenance.**
- 4.N. Question of approving Extra Work Order #1 associated with contract PW/20-01 School Grounds Maintenance (Park Landscape Associates, Inc.) in the amount of \$25,474.00 for costs associated with additional hourly work to assist with landscaping**



**maintenance at Walnut Hills Cemetery and for emergency snow removal at Baker School and Old Lincoln School.**

- 4.O** Question of approving Extra Work Order #2 associated with contract PW/20-03 Upkeep of Trees and Related Work (North-Eastern Tree Service) in the amount of \$101,880.00 for costs associated with additional forestry landscape services, tree removal and replacement in Walnut Hills Cemetery and public parks and open spaces.
- 4.P.** Question of approving a Temporary Wine and Malt Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 12, 2022 for a Non-Profit Fundraiser from 6:00PM – 9:00PM at 15 Newton Street. 500 people are expected to attend.
- 4.Q** Question of approving a Temporary Wine and Malt Beverages Non-Sales License to Artbarn Community Theatre to be held on May 14, 2022 for a Fundraising Dinner from 7:00 PM – 11:00 PM at 16 Emerson Street. 100 people are expected to attend.
- 4.R.** Question of approving a Temporary Wine and Malt Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 15, 2022 for a Corporate Cocktail Reception from 5:30 PM – 9:30 PM at 15 Newton Street. 75 people are expected to attend.
- 4.S.** Question of approving a Temporary All Alcoholic Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 24, 2022 for a Corporate Dinner from 6:00PM – 10:00PM at 15 Newton Street. 20 people are expected to attend.

- 5.** **CALENDAR**  
Review and potential vote on Calendar Items

- 6.** **FIRE DEPARTMENT PROMOTIONS**

**Question of approving the following promotions in the Fire Department:**

**Firefighter Andy Carvalho to Lieutenant  
Lieutenant Paul M. Canney to Captain**

- 7.** **PERSONNEL BENEFITS AND COMPENSATION**

**Question of authorizing an increase in wage and salary schedules for Non-Union Employees.**

**Question of approving changes to benefits and working conditions for positions on the Mid Management**

**Professional/Technical Pay Plan.****8. SELECT BOARD COMMITTEE ASSIGNMENTS**

**Discussion and possible vote on the Select Board  
Board/Commission/Committee assignments for 2022/2023.**

**9. REGISTRAR OF VOTERS**

**Question of appointing an acting Registrar of Voters.**

**10. ELECTRIC VEHICLE MUNICIPAL FLEET**

**Presentation on the electrification of the municipal vehicle fleet  
from Jesse Gray, Zero Emissions Advisory Board Chair.**

**11. WARRANT ARTICLES - PUBLIC HEARING**

**6:30 PM Public Hearing, discussion, and possible vote on the following  
Warrant Articles for the May 24, 2022 Annual Town Meeting:**

**Warrant Article 3 - Compensating Balances  
Warrant Article 23 – Reso on Artificial Turf**

**12. WARRANT ARTICLES**

**Further review and possible vote on the following Warrant  
Articles for the 2022 Annual Town Meeting:**

**Warrant Article 8 - Budget  
Warrant Article 9 - Living Wage  
Warrant Article 11 - Retiree COLA Increase  
Warrant Article 12 - CDICR Complaint  
Warrant Article 14 - Special Permit Conditions  
Warrant Article 23 – Reso on Artificial Turf  
Warrant Article 24 - Ban Artificial Turf  
Warrant Article 25 - Single-Use Plastic  
Warrant Article 26 - Park and Rec Commission**

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MINUTES  
SELECT BOARD  
04/26/2022  
5:00 PM | HYBRID MEETING

Present: Select Board Member, Bernard W. Greene, Select Board Member Raul Fernandez, Select Board Member John VanScoyoc, Select Board Member Miriam Aschkenasy  
Absent: Heather Hamilton

OPEN SESSION

Question of entering into Executive Session for the items in 2 and 3.

Vice Chair Fernandez declared that the Board shall enter into executive session to discuss strategy with respect to collective bargaining or litigation because an open meeting may have a detrimental effect on the bargaining or litigating position. And to review/approve executive session minutes. The board will reconvene in open session.

On motion it was,

Voted to enter into executive session.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

EXECUTIVE SESSION - COLLECTIVE BARGAINING

For the purpose of discussing strategy related to collective bargaining with the Fire Union, AFSCME, and non-union personnel.

EXECUTIVE SESSION - EXECUTIVE SESSION MINUTES

For the purpose of approving the following Executive Session meeting minutes:

March 1, 2022

April 5, 2022

ANNOUNCEMENTS/UPDATES

Congressman Jake Auchincloss provides an update.

Congressman Jake Auchincloss provided an update on the Russian invasion of Ukrainian.

Town Election is next Tuesday, May 3<sup>rd</sup>

## 4.A.

In Select Board

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April is fair housing month. CHAPA will acknowledge the Town of Brookline for their initiative and commitment to lower Brookline's local preference threshold Thursday April 28, 2022 at 1:30 pm

Sunday May 8, the MLK Celebration Committee will hold an event at the Coolidge Corner Theatre "A Family Revealed: From Slavery to Hope:, Two descendants of a Confederate enslaver share their story, features folk singer and social activist Reggie Harris, and longtime Brookline educator and resident Wallis Raemer. Onstage, the two cousins, one black and one white, discuss their special journey and what it was like to discover each other's deeply held feelings, pain, and hope. To underscore their messages and experience, Reggie Harris, a prominent interpreter of the use of music in historical movements for social change, sings his stirring, original songs.

The US Open team is making progress in their efforts in addressing climate change at the event.

It is the 200<sup>th</sup> anniversary of Frederick Olmsted. Olmsted directly shaped nationally significant landscapes, from the U.S. Capitol Grounds to Niagara Falls and Central Park, but also the distinctive curvilinear landscapes that distinguish the Town's urban character, including: the verdant thoroughways of Beacon and Boylston Streets and Chestnut Hill Avenue, landscapes of sites such as First Parish Church, and many neighborhood plans, and the public greenspace of the Emerald Necklace Riverway, Leverett Pond Park (now Olmsted Park) and Jamaica Pond; There will be an event on April 27, 2022 at the Jamaica Pond Boathouse

The Board acknowledged the last meeting of Vice Chair Fernandez and thanked him for his service.

Vice Chair Fernandez thanked his family, friends and supporters. He spoke on the accomplishments made by working together, acknowledged the staff and volunteers and working together navigating through the pandemic. He will continue to advocate for a progressive future and speak for those underrepresented.

### PUBLIC COMMENT

1. Emy Takinami thanked Board member Fernandez for his dedication to racial equity, social justice and progressive leadership
2. Bonnie Bastien thanked Dr. Fernandez for his work and showing us that real change is needed and possible in politics
3. Mike Sandman wished Board member Fernandez well
4. Donelle O'Neal thanked Board member Fernandez for stepping up and helping to break down barriers.
5. Bob Miller thanked Board member Fernandez for his leadership and keeping the community honest and for pushing us and not shying away from tough tasks.
6. ??Thanked Board member Fernandez for representing those not in the room; we are all sad and proud.
7. Chi Chi Wu thanked Board member Fernandez for getting her involved in town politics. We hope we can follow in your very large footsteps.

### MISCELLANEOUS

Question of approving the meeting minutes from April 19, 2022.

On motion it was,

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Voted to approving the meeting minutes from April 19, 2022

On motion it was,

Voted to approve the meeting minutes from April 19, 2022

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### GIFT

Question of accepting a gift from One Tree Planted to plant 122 new trees in the Town of Brookline in the amount of \$48,500.

On motion it was,

Voted to accept a gift from One Tree Planted to plant 122 new trees in the Town of Brookline in the amount of \$48,500.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### AUTHORIZATION TO HIRE

Question of authorizing the following promotions within the Fire Department due to a recent retirement:

Fire Lieutenant - T277

Fire Captain - T279

On motion it was,

Voted to authorize the following promotions within the Fire Department due to a recent retirement:

Fire Lieutenant - T277

Fire Captain - T279

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### AUTHORIZATION TO HIRE

Question of approving the authorization to hire request for two (2) Economic Development and Long Term Planner (T6) position in the Department of Planning and Community Development.

On motion it was,

Voted to approve the authorization to hire request for two (2) Economic Development and Long Term Planner (T6) position in the Department of Planning and Community Development.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### TRANSFER

Question of approving the following transfer request within the Town Clerk's Office in the amount of \$33,000 for Election Machines:

From: 1620610 510101 Perm Full time \$33,000

To: 16201610 531012 Office Supplies \$33,000

On motion it was,

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Voted to approve the following transfer request within the Town Clerk's Office in the amount of \$33,000 for Election Machines:

From: 1620610 510101 Perm Full time \$33,000

To: 16201610 531012 Office Supplies \$33,000

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### CHANGE ORDER

Question of approving Change Order #22, with Skanska USA, in the amount of \$98,778.00 for various additions and deletions to contract work.

On motion it was,

Voted to approve Change Order #22, with Skanska USA, in the amount of \$98,778.00 for various additions and deletions to contract work.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### CHANGE ORDER

Question of approving Change Order #2, with Heimlich Landscaping & Construction, in the amount of \$17,780.00, related to the Cypress Street Playground Project.

On motion it was,

Voted to approve Change Order #2, with Heimlich Landscaping & Construction, in the amount of \$17,780.00, related to the Cypress Street Playground Project.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### CHANGE ORDER

Question of approving Change Order #13 with CTA Construction, in the amount of \$14,283.47, related to Tappan Gym, Tappan Gym Renovations Project.

On motion it was,

Voted to approve Change Order #13 with CTA Construction, in the amount of \$14,283.47, related to Tappan Gym, Tappan Gym Renovations Project.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### CHANGE ORDER

Question of approving Contract Amendment #27, with William Rawn Associates Architects, in the amount of \$34,649.00, for services related to 22 Tappan Street.

On motion it was,

Voted to approve Contract Amendment #27, with William Rawn Associates Architects, in the amount of \$34,649.00, for services related to 22 Tappan Street.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

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### CHANGE ORDER

Question of approving Change Order #7 with NB Kenney, in the amount of \$72,289.00, emergency stops and CO detectors, emergency power to HVAC equipment and relocate boiler control panels.

On motion it was,

Voted to approve Change Order #7 with NB Kenney, in the amount of \$72,289.00, emergency stops and CO detectors, emergency power to HVAC equipment and relocate boiler control panels.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### SIDEWALK SALE

Question of approving the application for the Feet of Clay Pottery Studio's Sidewalk Sale event on Station Street scheduled for April 30, 2022.

On motion it was,

Voted to approve the application for the Feet of Clay Pottery Studio's Sidewalk Sale event on Station Street scheduled for April 30, 2022.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### TEMPORARY WINE AND MALT BEVERAGES NON-SALES LICENSE

Question of approving a Temporary All Alcoholic Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 6, 2022 for a Corporate Dinner from 6:00 PM - 10:00 PM at 15 Newton Street. 25 people are expected to attend.

On motion it was,

Voted to approve a Temporary All Alcoholic Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 6, 2022 for a Corporate Dinner from 6:00 PM - 10:00 PM at 15 Newton Street. 25 people are expected to attend.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### TEMPORARY WINE AND MALT BEVERAGES NON-SALES LICENSE

Question of approving the following Temporary Wine and Malt Beverages Non-Sales License to The Larz Anderson Auto Museum, 15 Newton Street:

May 5, 2022 for an Exhibit Opening Cocktail Reception from 5:30 PM – 9:30 PM 200 are people expected to attend.

May 7, 2022 for a Non Profit Reception from 1:00 PM - 7:00 PM 200 people expected to attend

May 13, 2022 for a Non-Profit Fundraiser from 6:00 PM - 10:00 PM 250 people are expected to attend

May 18, 2022 for a Non Profit Fundraiser from 6:00 PM - 10:00 PM 200 people are expected to attend

On motion it was,

Voted to approve the following Temporary Wine and Malt Beverages Non-Sales License to The Larz Anderson Auto Museum, 15 Newton Street:

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May 5, 2022 for an Exhibit Opening Cocktail Reception from 5:30 PM – 9:30 PM 200 are people expected to attend.

May 7, 2022 for a Non Profit Reception from 1:00 PM - 7:00 PM 200 people expected to attend

May 13, 2022 for a Non-Profit Fundraiser from 6:00 PM - 10:00 PM 250 people are expected to attend

May 18, 2022 for a Non Profit Fundraiser from 6:00 PM - 10:00 PM 200 people are expected to attend

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### TEMPORARY WINE AND MALT BEVERAGES NON-SALES LICENSE

Question of approving the following Temporary Wine and Malt Beverages Non-Sales License to The Larz Anderson Auto Museum, 15 Newton Street:

May 19, 2022 for a Corporate Anniversary Party from 3PM - 8PM 150 people are expected to attend.

May 20, 2022 for a Hospital Employee Party From 5:00PM - 10:00PM 100 people expected to attend

May 21, 2022 for a Wedding from 5:00PM - 11:00PM 100 people are expected to attend

May 28, 2022 for a Wedding from 6:00PM - 11:00PM 200 people are expected to attend

May 29, 2022 for a Bar Mitzvah from 1:00PM - 5:00PM 200 people are expected to attend

On motion it was,

Voted to approve the following Temporary Wine and Malt Beverages Non-Sales License to The Larz Anderson Auto Museum, 15 Newton Street:

May 19, 2022 for a Corporate Anniversary Party from 3PM - 8PM 150 people are expected to attend.

May 20, 2022 for a Hospital Employee Party From 5:00PM - 10:00PM 100 people expected to attend

May 21, 2022 for a Wedding from 5:00PM - 11:00PM 100 people are expected to attend

May 28, 2022 for a Wedding from 6:00PM - 11:00PM 200 people are expected to attend

May 29, 2022 for a Bar Mitzvah from 1:00PM - 5:00PM 200 people are expected to attend

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### CHANGE OF MANAGER – BARCELONA

Question of approving the application of a Change of Manager from Adriana Veltri to Isabella Delre for Barcelona Brookline LLC d/b/a Barcelona at 1700 Beacon Street.

Applicant Isabella Delre introduced herself. She is familiar with the rules and regulations in alcohol serving and is TIPS certified.

On motion it was,

Voted to approve the application of a Change of Manager from Adriana Veltri to Isabella Delre for Barcelona Brookline LLC d/b/a Barcelona at 1700 Beacon Street.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### RESERVE FUND TRANSFER

Question of approving the reserve fund transfer request of \$39,950 to Forestry Landscape Services Account 46004680 523599 to cover emergency storm response/contractual services for a series of major storm events and subsequent town-wide clean-up.



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Question of approving the reserve fund transfer request of \$17,081.81 to 25003430 5224BW for Emergency contractual services to repair 16' of broken sanitary sewer service pipe leading from the Baldwin School to the main.

Commissioner Gallentine reviewed the two transfer requests. The first for \$39,950 is related to additional equipment and contract crews for support during a wind event, a tropical storm and nor'easter. The second request for \$17,081.81 is related to emergency contractual services to repair a broken sewer pipe at the Baldwin School.

On motion it was,

1. Voted to approve the reserve fund transfer request of \$39,950 to Forestry Landscape Services Account 46004680 523599 to cover emergency storm response/contractual services for a series of major storm events and subsequent town-wide clean-up.
2. Voted to approve the reserve fund transfer request of \$17,081.81 to 25003430 5224BW for Emergency contractual services to repair 16' of broken sanitary sewer service pipe leading from the Baldwin School to the main.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### BEACON STREET BRIDLE PATH DISCUSSION

Discussion and possible vote to approve a conditional financial match for a federal earmark appropriation to design the Beacon Street Bridle Path project, including the possible use of ARP funding.

Town Administrator Mel Kleckner reviewed his memo: Following last week's allocation of the first round of ARPA funding, it came to my attention that a proposed federal earmark to support design of the Beacon Street Bridle Path project will require a matching funding commitment. It is my understanding that this year's federal earmark process will require an equivalent local funding match. In this case, the next design of the Bridle Path project costs \$2 million, requiring a \$1 million match from the Town. At this late date, there is no reasonable way to identify \$1 million for this commitment. I recommend that the Board conditionally allocate \$1 million from the next round of ARPA funding for this purpose. This funding would only materialize in the event of a successful earmark. If and when this happens, we may propose alternative funding approaches to consider at that time. Meanwhile Congressman Auchincloss will need a formal commitment from the Board in order to insert this earmark project.

Board member Aschkenasy added this will not go to the ARPA committee. It is up to the Select Board to approve it.

On motion it was,

Voted to allocate \$1 million in ARPA funds for matching funding for the Beacon Street Bridle Path Project Conditional on earmarked funding.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

## 4.A.

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### WARRANT ARTICLES - PUBLIC HEARING

Public Hearing, discussion, and possible vote on the following Warrant Articles for the May 24, 2022 Annual Town Meeting:

Warrant Article 12 - CDICR Complaint

Warrant Article 22 - PFAS

Warrant Article 23 - Resolution on Artificial Turf

### Warrant Article 12 - CDICR Complaint

Petitioners Mirah Nobrega Sam Batcheldor, Deborah Brown presenting  
Background

*In the Fall of 2019 Arthur Conquest submitted a warrant article to revise the provisions of Article 3.14 to improve the procedure for discrimination complaints. Under the previous language of Article 3.14, investigations are limited to the Chief Diversity Officer, who can solely provide a report with recommendations.*

*The Conquest warrant article was approved at the Town Meeting to be implemented by July 1, 2021. The Commission formed a Complaint Process Committee that met 30+ times over 18 months. Two public hearings were held. The discrimination complaint processes in Cambridge, Newton, Arlington, Somerville, Melrose, Northampton and Medford were reviewed along with best practices of national organizations and models of mediation and restorative justice.*

*The work of the committee was delayed by the pandemic and another warrant article was filed by the CDICR and approved by the Town Meeting extending the effective date of the new bylaw to July 1, 2022.*

Ms. Nobrega provided a PowerPoint that outlined the proposal:

Proposed changes

- Jurisdiction
- Alternative Dispute Resolution.
- Complaint Committee (CC) Membership.
- CC Process
- Remedies.
- Retaliation.

Discussion:

The Board discussed the subpoena process. Town Counsel would do the enforcement of the subpoena if required through the courts. If this article passes the committee would have the authority to issue a subpoena, they can be ignored and would have to go to court to enforce it. Town Counsel would go to the Select Board to authorize enforcement procedures.

How would you define discrimination?

Brookline would not be able to define that, which is defined under State law. Brookline could create a process, but there is a Protected Class State law; the committee would be acting as a quasi-branch. The committee is commissioned to create rules and regulations. Town Counsel would have to make sure that all the proper training is provided on violations of privacy.

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Board member VanScoyoc addressed his concerns of potential litigation, we could have neighbors suing neighbors; is that what we want to address? We do not want this article to pass that would create liability where liability does not exist, in a body that does not exist. Could an individual member of the tribunal be sued for breach of privacy? The committee does not have the power to subpoena; they would need to go to Town Counsel than to the Select Board. Is this process more effective than going the Massachusetts Commission Against Discrimination?

Petitioner Deborah Brown responded she does not see this as a bad thing. Brookline is behind in the times in setting up this structure. Most organization have the good judgment to keep away from politics. This will be a serious group of people making serious recommendations. The idea that this will be used only to sue people is not valid.

Board member Greene also sees potential litigation arising from a process like this.

Town Counsel Callanan added that town employees or appointed officials would be under indemnification if acting within the scope of employment or appointment. The committee would go into executive session for discussions.

Board member Fernandez reiterated that Town Meeting set the CIDCR on this path to come up with a bylaw that would satisfy a resolution before them. They did that.

Public hearing:

Mary Sabolsi said the petitioners put in a lot of thought into this and were asked to do this work. My assumption is this committee was formed and outlined because of the Gerald Alston case. My observation as a medical professional is the tremendous amount of training on discrimination. These issues are complicated. This might be an improvement to how these complaints have been handled in the past.

Mike Sandman explained that the original creation of the commission and the subpoena power for the committee was not explained. Now that process is included in the language.

Board member Aschkenasy added that the idea that we are setting ourselves up for liability is a strawman argument. This provides the power to voice concerns whether we have a committee or not; that task remains at our feet. I would rather make sure we have a path to support people and get an idea of what is happening in our town instead of, I do not want to know because you might sue me.

Board member Greene noted that the ODICR Director Lloyd Gellineau has indicated he has heard a few complaints; what are we trying to fix with this. What is this committee doing that we cannot do already? If it really rises to the level of discrimination, it goes to the State MCAD who is better equipped to handle.

Ms. Nobrega responded that Dr. Gellenaue abilities are limited. He cannot encompass the whole universe of discrimination. She added that Article 13 is a companion to Article 13. It is a pair.

Warrant Article 22 – PFAS - Petitioner Clint Richmond presenting

Mr. Richmond explained that this article would regulate fluorinated chemicals in common products.

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No retailer shall sell or distribute:

- (1) Over-the-counter cosmetic or personal care products to which fluorinated hydrocarbons have been intentionally added in any amount.
- (2) Food ware products packaged in bulk to which fluorinated hydrocarbons have been intentionally added in any amount. Any fiber or plastic product marketed as Compostable must be certified by the Biodegradable Product Institute.
- (3) New non-stick cookware that contain fluorinated hydrocarbons.
- (4) Fabric treatment products that contain fluorinated hydrocarbons.

(b) No retailer shall sell or distribute any products containing fluorinated hydrocarbons as may be identified in regulations promulgated by the Select Board to further the purposes of this Bylaw, following a duly noticed public hearing.

These products:

- Never breakdown
- Impossible to destroy
- Over 12k types –solids liquid, gases.
- Contaminate environment and drinking water.
- Ask to regulate this as a class.
- Goal to address products that contain this chemical
- Encourage substituted products

Enforcement: The petitioners are hoping to utilize the half position in the Department of Public Health. Perhaps open that position from a half time to a full time, like the leaf blower enforcement officer. Various Boards and Commissions find enforcement to be a challenge.

Board member Fernandez noted there is some movement at the federal level and how would that interplay with a local ban. – The last session study released a report last week we are still digesting it; there are no legislative recommendations. This would not be in conflict with that.

What about Amazon orders. - That would have limited impact. The federal government moves much more slowly.

How do you justify taking this product off the shelf vs that product off the shelf. – The Advisory Subcommittee made recommendations to make this a specific finite list that would be published. As ingredients are analyzed, they could be added to the list so this would not be an open-ended list. The Advisory Committee on Public Health voted no action.

Director of Public Health, Sigalle Reiss added this is a challenging article to entertain. As a department, we agree with the substance, without a defined list of categories. The list is large including cosmetics and is a challenge to enforce it. We have one part time employee that enforces the plastic bags and containers. This would include many more products. She would like to do some environmental scans with community groups to see what types of products are out there, what type of volume and what kinds of alternative products are available. She is committed to getting an intern this summer to start a consumer education program to start with the groundwork for a policy like this. Not having a product list would be most helpful for their department so they can create a list that would be enforceable.

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Board member Fernandez added it is important for Town Meeting to know there are enforcement challenges and limited resources.

Clint Richmond added that there has been an edit to move the deadline to July 1, 2023.

Public hearing:

Mary Sabolsi, MD reviewed her submitted letter: *PFAS pose problems for all communities in Massachusetts. Massachusetts has been a leader in regulating PFAS. Just this month, Massachusetts published the report of its PFAS Interagency Task Force. The comments below pertaining to PFAS are all based on this report.*

*Routes for human exposure to PFAS include ingestion of contaminated food and water, direct contact and absorption through skin, and inhalation. Massachusetts currently regulates 6 PFAS at less than 20 parts per trillion in drinking water and ground water and 0.3 to 2 parts per billion in soil. MA screens for 16 PFAS. The report recommends phasing out all PFAS in consumer products as a class to avoid toxic substitutions.*

*The C8 Health Project noted that PFOA was associated with kidney and testicular cancer, ulcerative colitis, thyroid disease, high cholesterol, and pregnancy induced hypertension. The MA report also noted associations with decreased immune response to vaccines and to lower birth weight. Recently high PFBA serum levels were found in patients with more severe Covid-19. PFOS, PFOA, and PFHxs may lead to decreased immune response to vaccines in children, especially to tetanus and diphtheria vaccines. PFAS, including shorter chain molecules, are associated with liver and endocrine dysfunction and affect development and reproduction. PFAS are also found in wild animals, including fish, and plants. In birds, PFAS exposure has affected the survival of embryos and reproduction.*

*Concerning waste disposal, shorter chain PFAS, the replacements for PFOS and PFOA, may not be effectively removed from drinking water. Thermal incineration of PFAS requires temperatures of at least 1000 degrees centigrade. Lower incineration temperatures result in the release of fluorinated gases that are 3500 times more potent than CO2 as a driver of global warming. Release of PFAS into the air allows it to be inhaled by the persons who reside near the incinerator putting them at risk of the adverse health effects mentioned in the preceding paragraph.*

*PFAS chemicals pose health risks to humans and risks to environmental health for animals and plants. Brookline should regulate and limit these chemicals. Massachusetts is now considering many bills to regulate PFAS.*

Naomi Swietzer supports the article. She spoke on concerns for residents with lower incomes; alternative products tend to cost more; organic etc.

Deborah Brown noted the dangers of these chemicals, especially among children. She supports the article.

Board member Fernandez recommended an economic equity analysis; there may be some hygiene products we might eliminate that may effect an entire class or only leave available product options that are significantly higher for some.

### Warrant Article 23 - Resolution on Artificial Turf

Petitioner Mike Toffel stated this article calls for the creation of an expert task force to make decision guidelines when is it appropriate to use synthetic turf or when is it appropriate to use natural grass for athletic fields. This article was created exclusively related to article 24. That article calls for a three-year moratorium on artificial turf that would be directed at the Driscoll School project. Current plans for the

## 4.A.

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school area has synthetic fields with organic infill not rubber. That is why the aggressive timetable so there could be a product identified by this summer to incorporate into the Driscoll School project. He is concerned because there seems to be some facts mixed with opinion, and science mixed with advocacy; let us get all the facts and put them forth. Some of the arguments were comparing synthetic turf to the type of natural grass you would see on athletic fields for professional sports. If you look at natural grass in Brookline especially near the schools, they are in poor shape, because of the intensive use.

Mr. Toffel finds some contradictions in Article 24. It is predicated on the idea that PFAS in turn is so terrible that we should not allow any new fields to be built, notably Driscoll. One the other hand it allows renewals on two of our existing fields.

Discussion:

Board member VanScoyoc favors a study. Most have been focused on 23 and 24, if we study it we do not want to ban it. In addition, a conflict with the article just discussed is the ban on BFAS. We are asking removal of projects containing this in retail stores yet the town is using it in synthetic turf.

Mr. Toffel we need to figure out what are the biggest risks of PFAS and health. If athletic fields are high on that list, we should move away from that. If we are going to pivot, does it matter if it is number one on the list or number 1000?

Board member Aschkenasy supports article 23. Her son uses the synthetic fields at Downs filed every day.

Is there a scenario that both article 23 and 24 could pass at Town Meeting - Yes these are independent articles.

Public comment:

Mary Sabolsi urged the SB to look at the letter previously presented under Article 22. She reviewed the harmful effects from PSAS materials. She supports Article 24. You cannot study something if you already have a predetermined conclusion.

Andrew Fisher petitioner of 24 spoke on concerns, safety, and environmental impacts from plastic artificial playing fields. We do not want to put in place something that may need to be ripped out; it is costly to install and then remove the artificial turf. Timing is critical you do not decide to study something after you paid for it, you study it before. Article 23 is dangerous without 24.

Mike Sandman questioned the level of exposure. That occurs when plastic products are new; let us take a look at that particular form instead of particular products in the food chain or anywhere else.

Clint Richmond thinks some of the goals are the same. He is trying to raise the issue when he learned Driscoll was going to have artificial turf. There is a difference between school playgrounds and athletic fields. PFAS information does not address Driscoll School discussions. We believed the crumb rubber was ok years back, now it is being removed. We should avoid PFAS whenever we can.

Regina Frawley asked whatever happened to side of caution. The cost of installing artificial turf than disposing that, where do we send out anything toxic? We are sending it out of state. Dispensing it is a real cost.

## 4.A.

In Select Board

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Mike Toffel added these comments illustrate the complexity of these uses. Heavy metal in the crumb rubber are not being used.

Board member Aschkenasy noted that the parents of the Driscoll School made it very clear in the project process that they support Article 23.

### WARRANT ARTICLES

Further review and possible vote on the following Warrant Articles for the 2022 Annual Town Meeting:

Warrant Article 8 - Budget

Warrant Article 15 - Boylston Street East

Warrant Article 25 - Single Use Plastic

Warrant Article 26 - Park and Rec Commission

### Warrant Article 8 - Budget

Deputy Town Administrator Melissa Goff provided a recap of the budget. The Advisory Committee is still debating Article 8. Under review are tree planting work, Bond Council accounts, school budget allocations.

Changes: allocate \$50k for tree plantings

Allocation of the Community Preservation Fund

Bond Council review and approved language

Allocate \$390k to the building department for building maintenance

The Board discussed the school budget allocations. The Town Administrator's budget recommends splitting \$500k with \$300k to the schools and \$200k to the town. The Advisory Committee is recommending the entire \$500k go to the town. It was noted that the schools have been allocated additional revenue of ARPA funds for \$3 million and \$300k from the Town's budget to close their budget gap. There was brief mention on the school maintenance and repairs and where should those funds be allocated from; the Town's budget or the School's budget; an ongoing conversation.

Board member Aschkenasy spoke on concerns that the AC has ignored the Town/School Partnership process and felt that the Advisory Committee should not reallocate those funds.

Ms. Goff reiterated that the motion at Town Meeting is the Advisory Committee's budget recommendation. The Advisory Committee has been discussing whether or not that partnership is working. The partnership is to make sure there are no surprises in the budgets.

The board spoke briefly on Host Community Agreement funding and racial equity funding request that came up after the budget process. Ms. Goff has cautioned the committee and the Advisory Committee on the uncertainty around future HCA's. Town Administrator Kleckner added that there was an appropriation of \$500k to the racial equity fund. There is not a plan for that going forward; we expect that fund to dry up in the future. There needs to be a plan for current employees currently funding under the HCA; transitioning to another funding source. More to come on this.

On motion it was,

Voted 4-0 Favorable Action on Article 8 as recommended by the Town Administrator.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

## 4.A.

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### Warrant Article 15 - Boylston Street East

Board member VanScoyoc updated the board that because our existing zoning bylaw is very complex and the zoning map is complex; Article 15 recommends an up-zone, which allows for more significant development in the area. Despite best efforts of the committee, the residents of Brington Rd felt left out of the process and have some concerns with the impact from the proposed zoning map. For that reason the committee would like to pause and review the neighborhood concerns and bring something back in the Fall Town Meeting

### Warrant Article 25 - Single Use Plastic

Petitioner Clint Richmond updated that the AC made some amendments around the categories; some were trimmed; the petitioners are amendable. The AC eliminated microbeads, single use floss picks with plastic handles, plastic wet wipes.

On motion it was,

Voted 4-0 Favorable Action on the Advisory Committee's recommendation on Article 25.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

### Warrant Article 26 - Park and Rec Commission

This vote was held awaiting for updated language from the Recreation Director.

### BOARDS AND COMMISSIONS - APPOINTMENTS

The following candidates for appointment/reappointment to Boards and Commissions:

Small Business Development Committee

On motion it was,

Voted to appoint Allish Gillian to the Small Business Development Committee for a term ending August 31, 2023.

Aye: Bernard Greene, Raul Fernandez, John VanScoyoc, Miriam Aschkenasy

There being no further business, the Vice Chair ended the meeting at 10:10 pm.

ATTEST





# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** Chief Emerg Telecomm Dispatcher Grade: T-07

2. **Department:** Police Division: \_\_\_\_\_

3. Position Control #: 210000004 Prior Incumbent: D Varmahmoodi

a. Reason for Leaving: ☒ Resignation ☐ Retirement ☐ Other: \_\_\_\_\_

**4. Budgetary Information:**

Department Code: L A Budget Code: 21002060 510101 % 100

☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

☒ Full-Time: # of hours/week: ☐ 37 ☐ 37.5 ☒ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

**6. Position Information:**

Summarize the primary function of this position.

Supervise and assist in directing the operations and personnel of the Brookline Public Safety Dispatch

Supervises the work of all Brookline Public Safety Dispatch Facility Dispatchers

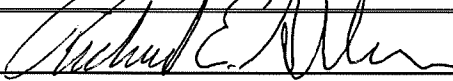
**7. I have considered the following alternatives to filling this position:**

There are no acceptable alternatives to filling this essential position.

**11. Suggested sources for specialized recruitment advertising:**

HR will work closely with the department to actively recruit a high quality diverse talent pool for this position.

**13. Signatures:**

Department Head: <u></u>	Date: <u>4/27/2022</u>
Human Resources: _____	Date: _____
Town Administrator: _____	Date: _____

**14. Approvals:**

Date on SB Agenda: \_\_\_\_\_

Date Approved: \_\_\_\_\_

## 4.B.

### **CHIEF EMERGENCY TELECOMMUNICATIONS DISPATCHER**

#### **A. SUMMARY**

The Chief Emergency Telecommunications Dispatcher is to supervise and assist in directing the operations and personnel of the Brookline Public Safety Dispatch Facility and to perform all the duties of a Public Safety Dispatcher. The work is performed under the supervision of the Police and Fire Departments.

Subject to the provisions in the Manual sections covering Policies and Procedures, the Chief Emergency Telecommunications Dispatcher has the primary responsibility for the initial deployment of law enforcement personnel and equipment.

#### **B. GENERAL DUTIES AND RESPONSIBILITIES**

It is the duty and responsibility of the Chief Emergency Telecommunications Dispatcher to:

1. Performs all duties of a public Safety Dispatcher; answers and dispatches emergency rescue and response personnel for Emergency 9-1-1 calls; answers telephone lines - emergency and non-emergency - other than the 9-1-1 lines; triages all medical calls to see if A.L.S. is needed; notifies hospitals of the degree of injuries to patients being transported by ambulance.
2. Answer and respond to all Police, Fire and EMS radio transmissions; monitors all radios for the Department of Public Works; uses Packet Cluster terminal to converse with Police cruisers, monitors Fire Digitizer System for fire alarms, monitors Police Digitizer System for burglar alarms , Monitors BAPERN and Mutual Aide (Fire) cities and towns and dispatches response personnel and apparatus as needed. Monitors prisoners and Police Station on closed circuit monitors.
3. Enters all applicable calls into the Computer Assisted Dispatch system; operates NCIC/CHS computer system and administers tests for employees to be certified on this equipment.
4. Supervises the work of all Brookline Public Safety Dispatch Facility Dispatchers and call takers; assists in interviewing and hiring new personnel; provides training and instruction; allocates personnel ; plans, coordinates, assigns and reviews work activities; maintains standards; acts on employee problems; evaluates performance and recommends transfers, promotions, disciplinary action and discharges as appropriate.

## 4.B.

5. Assists in training all Public Safety Dispatchers and call takers in the operation of all Public Safety Communications equipment including radios, telephone systems, computer systems, TDD and others in accordance with recognized standards and practices.
6. Assists in maintaining the day-to-day operations of the Brookline Public Safety Dispatch Facility; assists in scheduling personnel to ensure proper coverage of all shifts, assigns overtime shifts and hires P/T employees to fill vacant shifts; assists in preparing and maintaining payroll and budget; ensures compliance with all Town personnel policies and practices. Assists in developing, recommending, implementing, training and monitoring all new Standard Operating Procedures for Public Safety Dispatch staff.
7. Maintains all required records of Public Safety Communications activities including CPR, EMT, EMD and Public Safety Dispatch certification records for all Dispatch personnel.
8. Maintains all equipment in the Dispatch Facility and arranges for maintenance and repair as needed; purchases goods and supplies needed for the operations of the Communications Center,
9. Accesses and teaches employees how to enter emergency information on the Reverse 9-1-1 system.
10. Maintains round-the-clock on-call availability to answer questions, address problems and respond to emergencies.
11. Maintains confidentiality regarding access to all Police Department information; refers legal questions to the Director; notifies Director and other appropriate personnel of all major incidents.
12. Mediates problems between the Police and Fire departments concerning communications; handles complaints from the public and other departments and ensures proper resolution.
13. Perform any other duties assigned by the Chief of Police or the Officer-in-charge.



# Town of Brookline

## *Massachusetts*

### Authorization To Hire Request Form

1. Position **TITLE**: \_\_\_\_\_ Grade: \_\_\_\_\_

2. Department: \_\_\_\_\_ Division: \_\_\_\_\_

3. Position Control #: \_\_\_\_\_ Prior Incumbent: \_\_\_\_\_

a. Reason for Leaving: \_\_\_\_\_

4. Budgetary Information:

Department Code: \_\_\_\_ Budget Code: \_\_\_\_\_ % \_\_\_\_\_

☐ Grant Funded-Name of Grant: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

6. Employment Type:

☐ Full-Time: # of hours/week: \_\_\_\_\_ ☐ Part-Time: # of hours/week: \_\_\_\_\_

☐ Permanent ☐ Temporary: expected end date (required) \_\_\_\_/\_\_\_\_/\_\_\_\_

7. Method of Fill:

☐ Promotion – To be Posted Internally from: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ New Hire ☐ Transfer – Please explain: \_\_\_\_\_

8. List the top three essential functions of this position:

1. \_\_\_\_\_

–

2. \_\_\_\_\_

–

3. \_\_\_\_\_

–

9. I have considered the following alternatives to filling this position:

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10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

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Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: (other than local papers)

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12. Please attach the current position description.

13. Signatures:

Department Head Signature:	<u>Justin Casanova-Davis</u>	Date:	<u>5/5/22</u>
Human Resources Director:	_____	Date:	_____
Town Administrator:	_____	Date:	_____

14. Approvals:

Date on BOS Agenda:	_____	Date Approved:	_____
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15. Notes:





# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** \_\_\_\_\_ **Grade:** \_\_\_\_\_

2. **Department:** \_\_\_\_\_ **Division:** \_\_\_\_\_

3. **Position Control #:** \_\_\_\_\_ **Prior Incumbent:** \_\_\_\_\_

a. Reason for Leaving: ☐ Resignation ☐ Retirement ☐ Other: \_\_\_\_\_

4. **Budgetary Information:**

Department Code: \_\_\_\_\_ Budget Code: \_\_\_\_\_ % \_\_\_\_\_

☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

☐ Full-Time: # of hours/week: ☐ 37 ☐ 37.5 ☐ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

6. **Position Information:**

Summarize the primary function of this position.

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7. I have considered the following alternatives to filling this position:

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11. Suggested sources for specialized recruitment advertising:

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13. **Signatures:**

Department Head: Cal \_\_\_\_\_ Date: \_\_\_\_\_

Human Resources: \_\_\_\_\_ Date: \_\_\_\_\_

Town Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

14. **Approvals:**

Date on SB Agenda: \_\_\_\_\_ Date Approved: \_\_\_\_\_



# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** Business Manager-Library **Grade:** KA-05

2. **Department:** Library **Division:** \_\_\_\_\_

3. **Position Control #:** 610000005 **Prior Incumbent:** Snowy Quinn

a. Reason for Leaving: ☒ Resignation ☐ Retirement ☐ Other: \_\_\_\_\_

4. **Budgetary Information:**

Department Code: K A Budget Code: 61006100 510101 % 100

☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

☒ Full-Time: # of hours/week: ☐ 37 ☐ 37.5 ☐ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

6. **Position Information:**

Summarize the primary function of this position.

Assists in business operations of the Brookline Public Library

Maintains and prepares financial records; including but not limited to, accounts payable and receivable

7. I have considered the following alternatives to filling this position:

There are no acceptable alternatives to filling this position.

11. Suggested sources for specialized recruitment advertising:

HR will work closely with the department to actively recruit a high quality diverse talent pool for this position.

13. **Signatures:**

Department Head: [Signature] Date: 4/25/22

Human Resources: \_\_\_\_\_ Date: \_\_\_\_\_

Town Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

14. **Approvals:**

Date on SB Agenda: \_\_\_\_\_

Date Approved: \_\_\_\_\_





# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** Assistant Dir of Technology-Library Grade: T-10

2. **Department:** Library Division: \_\_\_\_\_

3. Position Control #: 610000003 Prior Incumbent: Emily Mitchell

a. Reason for Leaving: ☒ Resignation ☐ Retirement ☐ Other: \_\_\_\_\_

4. **Budgetary Information:**

Department Code: K A Budget Code: 61006100 510101 % 100

☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

☒ Full-Time: # of hours/week: ☒ 37 ☐ 37.5 ☐ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

6. **Position Information:**

Summarize the primary function of this position.

Leadership and expertise in the development, and implementation of library information technologies

Manages technical services and circulation operations as well as maintenance of systems and equipment

7. I have considered the following alternatives to filling this position:

There are no acceptable alternatives to filling this position.

11. Suggested sources for specialized recruitment advertising:

HR will work closely with the department to actively recruit a high quality diverse talent pool for this position.

13. **Signatures:**

Department Head: _____	Date: <u>4/25/22</u>
Human Resources: _____	Date: _____
Town Administrator: _____	Date: _____

14. **Approvals:**

Date on SB Agenda: _____	Date Approved: _____
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# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** Supervisor of Recreational Building Ops Grade: T - 07
2. **Department:** Recreation Division: Admin
3. **Position Control #:** 630000035 Prior Incumbent: Tyler Radicioni
- a. Reason for Leaving: ☒ Resignation ☐ Retirement ☐ Other: Moved on to another oppor

**4. Budgetary Information:**

Department Code: 63006300 Budget Code: 510101 % 100

- ☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund
- ☒ Full-Time: # of hours/week: ☐ 37 ☐ 37.5 ☒ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

**6. Position Information:**

Summarize the primary function of this position.

Performs a variety of technical, administrative and supervisory tasks requiring in depth knowledge of Facilities

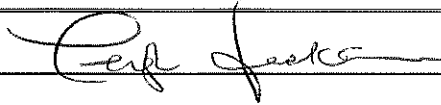
Monitors and manages the optimal function of aquatic center pools and all recreational facilities

7. I have considered the following alternatives to filling this position:  
delegating the work to current staff

**11. Suggested sources for specialized recruitment advertising:**

HR will work closely with the department to actively recruit a high quality diverse talent pool for this position.

**13. Signatures:**

Department Head: <u></u>	Date: <u>4/26/22</u>
Human Resources: _____	Date: _____
Town Administrator: _____	Date: _____

**14. Approvals:**

Date on SB Agenda: _____	Date Approved: _____
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**SUPERVISOR OF RECREATIONAL BUILDING OPERATIONS**  
**Recreation Department**

**Grade T-07**

**Position Purpose:**

Performs a variety of technical, administrative and supervisory tasks requiring independent judgment and in-depth knowledge related to the day-to-day maintenance and care of recreational buildings. Provides a clean and safe environment for the public and staff and meet all required federal, state and local guidelines and regulations impacting such operations. Monitors the optimal functioning of aquatics center pools and all recreational facilities building systems; including HVAC, fire and security alarms elevators, electrical, and plumbing, water and sewer.

**Supervision:**

*Supervision Scope:* Performs varied and responsible duties requiring a thorough knowledge of departmental operations and the exercise of judgment and initiative in completing tasks, particularly in situations not clearly defined by precedent or established procedures. Incumbent is called upon to handle a significant amount of details, each varying from the other in substance and content, requiring incumbent to approach workload with flexibility.

*Supervision Received:* Works under the administrative direction of the Assistant Director of Recreation, consulting with supervisor only when unusual incidents or problems occur.

*Supervision Given:* Supervises full-time and part-time custodial employees; is responsible for training and supervision, and assists in the performance management of all people within the operating units under their direction and control.

**Job Environment:**

Administrative work is performed under typical office conditions. Supervisory and inspection work performed indoors, with occasional exposure to rain, snow, and other weather conditions when working at the exterior of buildings and grounds. Exposure to dust, dirt, fumes, chemicals, and the noise associated with cleaning and maintenance equipment when performing inspection and supervisory duties. Incumbent may work outside of normal business hours and may be contacted at home at any time to respond to important situations and emergencies. Carries Town-issued cell phone and responds to emails, texts, and emergency calls.

Makes frequent contact with Recreation staff and management, Building department staff, various vendors, and the general public; contacts are by phone, in person, and in writing and require discussing administrative and technical matters.

Assists with managing recreational facility safety and ensuring compliance with DPH safety regulations and OSHA regulations for three pools and a mechanical equipment room; ensures building security at all times.

Operates an automobile, computer, printer, hand tools, hand-held electronic devices and other standard office equipment.

*Town of Brookline Recreation Dept  
 Supervisor of Recreational Building Operations  
 Created 4/26/2022*

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## 4.F.

Has access to department-oriented confidential information, including personnel records and bid proposals, which require the application of appropriate judgment, discretion and professional protocols.

Errors could result in monetary loss, delay or loss of service, sub-standard testing and inadequate maintenance programs, damage to property, and could endanger public safety.

### **Essential Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)*

In conjunction with Building Department, oversees Recreation facilities and usage, including recreation buildings and Soule gymnasium as well as Tappan Gymnasium. Ensures that all necessary safety techniques and systems are in place to ensure patron and employee safety; oversees and implements an emergency action plan for each facility; including but not limited to ensuring that the Evelyn Kirrane Aquatics Center and the Soule Early Education Center and gymnasium are properly maintained.

Responsible for the daily management of recreational facilities operations and ensures that all facilities, equipment and materials are kept properly maintained. Plans, schedules, directs and oversees the work of maintenance staff in the care and cleaning of the buildings and repairs and upkeep of maintenance equipment and supplies, consulting with the Building department as needed. Oversees shipping and receiving activities, safety and security, utilities and energy usage and other related activities.

Works with Aquatics Director to oversee maintenance and repair of swimming pool mechanical equipment including water intake, outlet, and filtration systems in accordance with safety regulations, by-laws, and laws. Oversees maintenance, cleaning, readings and testing of indoor swimming pools and related equipment. Reports concerns and issues to Aquatics Director and Supervisor as needed.

Sets goals and participates in training, performance management, cleaning logs, and cleaning schedules for custodial staff. Conducts or coordinates custodial supervision for work outside of regular Recreational facility hours.

Act as the Recreation department liaison and coordinates building maintenance issues including, but not limited to, snow removal, trash removal, security, housekeeping and recycling with the Building Department and all other Town departments and divisions as appropriate (DPW, Water, Parks and Open Spaces). Works closely with Aquatics and Soule directors to address issues at their respective facilities. Liaises with School Department on related activities.

Works with Business/Administrative Manager to maintain internal control system for monitoring, ordering, and distributing inventory, equipment and supplies for programs and services. Oversees Recreation facility shipping and receiving, internal deliveries including daily shipments and mail.

Oversees security systems which control building access, key card access, and keys. Coordinates with Building Department when changes, updates, or upgrades are needed.

In conjunction with the Building Department, responsible for maintaining safe facilities; performs daily building tours and inspections; tracks preventative maintenance and repair plans; checks critical systems on a regular schedule; troubleshoots and tests systems, reviews work orders and maintenance requests, and acts as liaison to appropriate Building Department personnel.

*Town of Brookline Recreation Dept  
Supervisor of Recreational Building Operations  
Created 4/26/2022*

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## 4.F.

Responds to, identifies causes and manages all emergencies, alerts and alarms and reports incidents to Building Department. Coordinates with Building Department staff to facilitate and/or perform resets/fixes.

Act as the Recreation department's command person in building emergency situations and oversees safe emergency evacuation of public and staff and schedules and coordinates regular fire drills.

Maintains baseline information about the facilities in an organized and accessible schedule for Recreation Director's use or information provided by the Building Department.

Oversees Recreational facilities custodial budget in conjunction with the Recreation Director; authorizes expenditures; accepts or rejects orders; submits cost savings initiatives to the Recreation Director for approval and implements approved initiatives.

Ensures compliance with green initiatives required by the Town; advises on green sense planning initiatives; and facilitates regular energy audits and reviews utility usage reports from the Building Department with the Recreation Director; investigates possibilities for reducing energy usage for Recreation facilities.

Assists in the oversight of maintenance supply vendors and contractors in conjunction with the Building Department; ensures that outside vendors are properly escorted and granted access to Recreation buildings, and reports problems to Recreation Director and Building Department.

Performs custodial, repair or pool maintenance and testing as necessary in the absence of other staff.

Performs other duties as assigned.

### **Recommended Minimum Qualifications:**

#### **Education, Training, and Experience:**

Associate's degree in related field or vocational training specializing in facilities maintenance, HVAC, construction or related courses, Bachelor's degree preferred. Three to five years' experience in facilities management and/or supervision of building maintenance; some aquatics facilities maintenance experience preferred; minimum of three years supervisory experience; or an equivalent combination of education, training, and experience.

#### **Special Requirements:**

Valid Driver's License, Class D

Certified Pool Operator certification must be obtained within six months of hire

#### **Knowledge, Ability and Skill:**

*Knowledge:* Thorough knowledge of the materials, methods, safety precautions and techniques relative to building operations, and repair and maintenance programs procedures in the care and maintenance of public buildings and spaces. Knowledge of public bidding process. General knowledge of state building codes, including health/fire safety codes.

*Ability:* Ability to plan, schedule and review the work and performance of others in a manner conducive to proficient performance and high morale. Ability to resolve conflicts and maintain harmonious working relationships throughout the organization and with other agencies. Ability to take initiative and apply practical knowledge to interpret and resolve new, unusual, or particularly troublesome situations. Flexibility to be available for emergencies. Ability to maintain organized work records and filing systems.

*Town of Brookline Recreation Dept  
Supervisor of Recreational Building Operations  
Created 4/26/2022*

## 4.F.

*Skill:* Excellent supervisory skills. Interpersonal skills to effectively interact with the Building Department, Public Works, and all other town departments, vendors and the general public. Skill in operating above mentioned equipment. Computer skills for word processing, spreadsheets, and data tracking.

Physical Requirements:

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

Moderate physical effort is required to perform supervisory duties. Must have the strength and agility to climb, lift, balance, carry, operate tools and perform other physical functions associated with work responsibilities. Must have the ability to operate automobile and maintenance equipment. May occasionally be required to lift equipment weighing 30 - 60 pounds. Required to stand and walk for long periods. Physical ability to have access to public buildings and facilities sufficient to monitor and evaluate staff performance. Incumbent must have excellent eyesight and hearing well within normal ranges and the ability to distinguish colors.

*Town of Brookline Recreation Dept  
Supervisor of Recreational Building Operations  
Created 4/26/2022*

4



# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** Recreation Leader - Environmental Ed Grade: GN - 07
2. **Department:** Recreation Division: Eliot
3. **Position Control #:** 630000017 Prior Incumbent: Stephanie Springer
- a. Reason for Leaving: ☒ Resignation ☐ Retirement ☐ Other: Moved on to another oppor

**4. Budgetary Information:**

Department Code: 63245604 Budget Code: 510101 % 100

- ☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund
- ☒ Full-Time: # of hours/week: ☐ 37 ☐ 37.5 ☒ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

**6. Position Information:**

Summarize the primary function of this position.

Develop, implement, evaluate, plan and deliver environmental education and recreation programs for all ages.

Oversee and conduct nature day camp in the summer, recruitment of seasonal staff and supervision of children

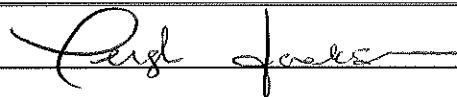
**7. I have considered the following alternatives to filling this position:**

delegating the work to current staff

**11. Suggested sources for specialized recruitment advertising:**

HR will work closely with the department to actively recruit a high quality diverse talent pool for this position.

**13. Signatures:**

Department Head: <u></u>	Date: <u>4/26/22</u>
Human Resources: _____	Date: _____
Town Administrator: _____	Date: _____

**14. Approvals:**

Date on SB Agenda: _____	Date Approved: _____
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### RECREATION LEADER – ENVIRONMENTAL EDUCATION

Grade GN-07

#### PRIMARY PURPOSE

Develop, implement, evaluate, plan and deliver interpretive programs, environmental education, recreation/special events and volunteer programs for all ages; other related work as required.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES

*The essential functions or duties listed below are illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

Coordinate and direct environmental education, interpretive and recreation programs for children, adults and seniors.; Develop and write program/curriculum descriptions; market and advertise programs throughout the year to support those programs.

Oversee and conduct the operation of the nature day camp in the summer; responsible for recruitment of part-time and seasonal staff; supervise children and seasonal full time and part time staff. Provide first aid, when required.

During nature camp operations, conduct field work and site inspection to evaluate operations; identify, report, coordinate and conduct maintenance checks to ensure the safety of facilities and visitors. Prepare detailed and accurate reports on incidents; prepare daily activity logs and maintain records and files.

Responsible for administrative work associated with the operation of the nature day camp and other environmental education and nature programs. Enroll program participants; keep files on participants; create and track monthly statements (bills and payments); answer the telephone; send out mailings; order all supplies and materials, and provide first aid, when required.

Lead and assist with other environmental and recreational programs; coordinate, prepare and lead other recreation projects to promote recreation, park, and open space stewardship. Serve as a liaison between the Town and outside agencies, institutions, organizations and businesses.

Perform similar or related work as required, or as situation dictates.

#### SUPERVISION

Works under the general supervision of the Director of Recreation or their designee, following department policies and appropriate professional standards; the employee operates independently in conducting programs.

#### SUPERVISORY RESPONSIBILITIES

May supervise seasonal full time employees and volunteers.

#### WORK ENVIRONMENT

Works in facilities with a moderate level of noise; the work is subject to seasonal changes and requires planning; the employee works weekends and evenings periodically.

The employee operates standard office equipment, a van and general equipment associated with the activities planned.

The employee has contact with the general public, other town agencies, and outside organizations

*Town of Brookline Recreation Department  
Recreation Leader – Environmental Education  
Revised April 26, 2022*



## 4.F.

for planning educational programs or volunteer projects.

Errors could result in monetary loss, personal injury or injury to others, or delay or loss of service.

### RECOMMENDED MINIMUM QUALIFICATIONS

#### EDUCATION AND EXPERIENCE

Three to five years of professional related experience in environmental education, recreation, parks or natural resource management and one year of administrative experience; experience in program development and delivery; supervisory experience; experience with youth programs; Bachelor's Degree in environmental education, natural sciences, or other related field preferred; or an equivalent combination of education and experience.

#### ADDITIONAL REQUIREMENTS

Valid Massachusetts Driver's License, Class D  
Certification in CPR and First Aid

#### KNOWLEDGE, ABILITY AND SKILL

Knowledge of development, education and recreation principles and practices, program planning, public relations and customer service. Knowledge of safety standards in environmental education and recreation, ecological principles; knowledge of natural science; and ability to identify plants and animals in eastern Massachusetts.

Ability to work with persons of all ages and abilities, organize programs, supervise seasonal employees, coordinate efforts with other town departments, communicate effectively, and promote activities. Ability to establish and maintain effective public relations with the recreation staff, general public, park staff, and enforcement agencies.

Possess excellent planning, organization, communication, and computer skills.

#### PHYSICAL REQUIREMENTS

Physical effort is required. The employee is frequently required to stand, walk, bend over, stand up, sit on the ground, speak, hear, sit, use hands to operate equipment and may be required to lift up to 40 pounds. Person will be expected to work outside, sometimes in woods and wetlands in varied climate conditions. Vision requirements include the ability to read routine documents, use a computer and operate a motor vehicle.

*This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.*



# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

Send the completed form to Human Resources for review/approval. HR will send the approved form to the SB for placement on the agenda. This form is required for all full-time, regular and part-time regular positions. This excludes seasonal and temporary positions.

1. **Position Title:** Equipment Repair and Maintenance Tech Grade: GN - 07
2. **Department:** Recreation Division: Golf Course Enterprise
3. **Position Control #:** 630000040 Prior Incumbent: Robert Werner
  - a. Reason for Leaving: ☒ Resignation ☐ Retirement ☐ Other: Moved on to another oppor
4. **Budgetary Information:**

Department Code: 6360E700 Budget Code: 510101 % 100

☐ Grant Funded-Name: \_\_\_\_\_ ☐ Revolving Fund ☒ Enterprise Fund

☒ Full-Time: # of hours/week: ☐ 37 ☐ 37.5 ☒ 40 ☐ 42 or ☐ Part-Time hrs/week: \_\_\_\_\_

#### 6. Position Information:

Summarize the primary function of this position.

Perform skilled maintenance and manual labor related to the construction, care, and maintenance of golf equip.

Assist Golf Course Superintendent in scheduling and performance of a preventative maintenance program

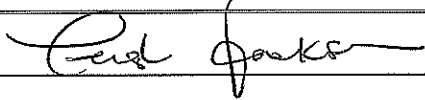
#### 7. I have considered the following alternatives to filling this position:

delegating the work to current staff

#### 11. Suggested sources for specialized recruitment advertising:

HR will work closely with the department to actively recruit a high quality diverse talent pool for this position.

#### 13. Signatures:

Department Head: <u></u>	Date: <u>4/26/22</u>
Human Resources: _____	Date: _____
Town Administrator: _____	Date: _____

#### 14. Approvals:

Date on SB Agenda: _____	Date Approved: _____
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## 4.F.

### Equipment Repair and Maintenance Technician

Grade GN07

Last Revised: 01.2021

#### **Position Purpose:**

The purpose of this position is to perform skilled technical maintenance and manual labor related to the construction, care, and maintenance of municipal golf equipment, including mechanical repair of grounds equipment, carts, and related structures; assists the Golf Course Superintendent in coordination, scheduling and performance of a preventative maintenance program within allocated budget; other related work as required.

#### **Supervision:**

*Supervision Scope:* Performs equipment maintenance and repair, provides training on safe and correct use of equipment, and performs frequent grounds keeping and golf course turf maintenance, following accepted standards of quality and performance, requiring a moderate measure of responsibility and judgment in determining method of completion.

*Supervision Received:* Works under the direct supervision of the Golf Course Superintendent.

*Supervision Given:* Under the direction of the Golf Course Superintendent or the Superintendent's designee, may supervise up to ten seasonal ground maintenance workers. May cover duties of the Golf Course Superintendent during brief absences.

#### **Job Environment:**

Work is continuously performed outdoors and in shop work environment, with exposure to fumes, dust, pollen, and noise from equipment operation. The employee has regular exposure to all types of weather conditions, grease, oil, fertilizer fumes and chemicals. Operates machinery having sharp moving parts.

Operates pick-up truck; uses hand tools and power tools, lawn mower, snow blower, weed whacker, utility carts, and other tools or equipment associated with grounds keeping.

Makes constant contact with golf course patrons, golf course employees, and other town employees.

The workload is subject to seasonal fluctuations which are expected but cannot be specifically anticipated. The employee will assist with golf course and turf maintenance as the equipment repair and maintenance workload allows.

Errors could result in monetary loss, personal injury to self and others, or delay or loss of service to the public.

## 4.F.

### **Essential Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)*

Inspect, diagnose, and repair mechanical failure in various golf course maintenance equipment such as diesel, gasoline, electric and small engine equipment. Performs major and minor mechanical repairs on all power train, hydraulic and electric components of turf equipment.

Maintains and performs a preventative maintenance program such as oil and filter changes on all golf course equipment, including tractors, cultivators, edgers, mowing equipment, and other tools and machinery. Performs reel and rotary blade grinding, sharpening, and setup, including height adjustments. Make cuts, welds and braze as needed in repairing equipment and mowing units

Establishes and maintains records relating to preventative maintenance program in order to discover patterns and improve overall condition, maintenance, and longevity of equipment inventory. This includes documenting routine maintenance schedules, major repairs, and equipment replacements, as well as keeping accurate repair and service records.

Contacts equipment vendors to obtain price quotations for new equipment and/or repair of existing equipment. Purchases parts necessary to maintain adequate inventory and complete repairs to ensure equipment is ready for use on daily basis. Keeps accurate records of inventory and costs associated with repair and maintenance.

Assists Golf Course Superintendent in operator training on correct use of all golf course equipment and appropriate personal protective equipment. Trains employees in, and follows, proper safety procedures with appropriate personal protective equipment (PPE) in accordance with OSHA guidelines at all times. Ensures that all equipment operates efficiently and safely at all times. Spot checks equipment performance on the golf course.

Oversees shop area maintenance, organization, safety, and cleanliness at all times. Monitors gas and fuel levels in storage tanks. Conducts proper disposal of all related hazardous materials.

Responsible for knowing and fulfilling all applicable local, state, and federal laws and regulations concerning the labeling, use (including posting notification requirements and right to know laws) and storage of fuel, oil, and chemicals. Keep accurate and complete chemical usage records. Ensure all chemicals are properly labeled. Ensures appropriate PPE is used at all times while handling and working with chemicals.

## 4.F.

Acts as an information resource to the golf course superintendent in areas relating to equipment maintenance, including but not limited to preventative maintenance, equipment replacement needs, and budgeting and costs for repairs and replacement. Keeps golf course superintendent informed of work progress and immediately reports any significant problems found with materials, equipment, or ability to complete projects.

Frequently assists with grounds keeping and golf course turf maintenance as equipment maintenance and repair workload allows, including the mowing of greens, tees, and fairways, cup and pin placement, general landscaping, care of roughs and bunkers, and maintenance of buildings and parking lot; and monitoring, adjustments, and repairs to irrigation system.

Maintains required certifications.

Perform similar or related work as required.

### **Recommended Minimum Qualifications:**

#### **Education, Training and Experience:**

A minimum of five years training and/or mechanic experience in the maintenance and repair of golf course equipment; minimum of three years of experience and training in golf course maintenance and upkeep; or any equivalent combination of education, training, and experience.

#### **Additional Requirements:**

Valid MA Driver's License, Class D, and a clean driving record for two years.

#### **Knowledge, Ability and Skill:**

*Knowledge:* Thorough knowledge of power trains, hydraulics, small motors, and electrical components used in golf course equipment. Knowledge of safety requirements and appropriate PPE for use with all mechanical equipment, power tools, hand tools, and chemicals. Familiarity with application of golf course equipment to the maintenance of the golf course.

*Ability:* Ability to evaluate, diagnose and repair mechanical failure. Ability to evaluate and implement preventative maintenance requirements. Ability to maintain accurate service and maintenance records. Ability to communicate verbally, by phone, and in writing. Ability to effectively direct, train, and supervise personnel. Ability to effectively prioritize, organize and schedule tasks. Ability to effectively work as a team member.

*Skill:* Skill to operate and repair hand and power tools and other equipment used in grounds maintenance. Mechanical skills in operating and maintaining power trains, hydraulics, and electrical components used in golf course equipment. Excellent interpersonal skills. Capable of using hand tools and equipment required for the job responsibilities.

## 4.F.

### Physical Requirements:

Manual labor including lifting, carrying, bending, kneeling, sitting and climbing is required daily to fulfill the duties of this position. Certain tasks may require standing or walking for major portion of shift as well as walking over rough or uneven surfaces. Certain tasks require the ability to judge distances and spatial relationships when evaluating the golf course; ability to conduct visual inspections while in the field. Extensively uses dexterity of hands and fingers to operate a variety of specialized equipment and hand and power tools. Regularly pushes and pulls mowers or other equipment; regularly lifts heavy objects up to 50 pounds, or 100 pounds with assistance. Reasonable accommodations may be made to enable individuals with disabilities to perform essential functions.

*(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)*



RICHARD E. ALLEN  
ACTING CHIEF OF POLICE

## BROOKLINE POLICE DEPARTMENT

*Brookline Massachusetts*

April 25, 2022

To: Mr. Melvin Kleckner, Town Administrator

From: Richard E. Allen, Acting Chief of Police

Subject: Grant

The Police Department has received a grant in the amount of \$2,000.00 from the Lauren Dunne Astley Memorial Fund.

This grant will be used to fund overtime for the Officers which will be needed to run the AWARE after School Training for Youth program.

I would like the Select Board to accept this grant at the next scheduled meeting.

Thank you.

Richard E. Allen  
Acting Chief of Police



4.G.  
Lauren Dunne Astley

MEMORIAL FUND

April 4, 2022

Sgt. Casey Hatchett  
Brookline Police Department  
350 Washington St.  
Brookline, MA 02445

Dear Sgt. Casey,

The trustees of the Lauren Dunne Astley Memorial Fund are delighted to announce approval of a mini-grant in support of the *AWARE after School Training for Youth program*.

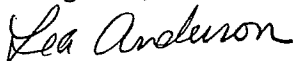
We are so pleased to be able to help you pursue important work that aligns with the mission of the LDAMF. Enclosed is a check for \$2,000. We wish you all the best.

If possible, we respectfully request that The Lauren Dunne Astley Memorial Fund be included in a list of sponsors. We would also greatly appreciate it if you could send along a photograph or two to represent this project "in action" in some way. We hope to use a select few images of initiatives the LDAMF has supported in future publicity for the mini-grants program.

Your liaison on the board of the LDAMF is Mary Dunne (msmarykathryn@gmail.com). Please reach out to her with any questions you may have along the way.

We sincerely thank you for your endeavors and feel honored to be a part of them. Through these efforts, Lauren's legacy will keep on sparkling, too.

Best regards,



Lea Anderson

On behalf of the trustees of the Lauren Dunne Astley Memorial Fund

*For the promotion of dynamic educational programs, particularly those in the areas of the development of healthy teen relationships, the arts, and community service. Please visit our website at [laurendunneastleymemorialfund.org](http://laurendunneastleymemorialfund.org).*



**LAUREN DUNNE ASTLEY MEMORIAL FUND**  
 47 SEDGEMEADOW RD  
 WAYLAND, MA 01778-1433

490  
 53-7185/2113

APR 4, 2022  
 Date

Pay to the  
 Order of Brookline Police Dept. \$2,000.<sup>00</sup>

Two Thousand and 00/100 Dollars


 **Village Bank**  
 320 Needham Street, Suite 200, Newton, MA 02464

Photo Safe Deposit Box  
 Data embossed

For Grant #12 Lea T. Anderson MP

⑆211371858⑆ 2190014635⑈ 0490

# TOWN OF BROOKLINE



## OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS

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11 Pierce Street, Brookline, Massachusetts,  
02445

Telephone: (617) 730-2300 Facsimile: (617)  
730-2296

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*April 25<sup>th</sup>, 2022*

Memo: Approval of Donations

To: Brookline Select Board

Attn: Heather Hamilton-Chair Person of the Brookline Select Board

Chairperson Hamilton,

The Office of Diversity, Inclusion and Community Relations seeks the Select Board's authorization to accept eight donations to the Brookline Asian American Family Network to be appropriated into account 5900SH07 (The Asian American Heritage Fund). The donated funds will be used by the Brookline Asian American Family Network towards the annual Asian American Essay Contest Awards Ceremony and AAPI Heritage Month Celebration that is being held on Wednesday May 11th.

John Hodgman - \$250

Robert Guen DMD & Associates LLC - \$250

Pho Viet's 1 LLC - \$250

PKCrossley Inc (Brookline Frames) - \$250

Hsiu-Lan Chang - \$250

Karyn Wang - \$250

Sheri Flagler- \$250

Lebed Asset Management LLC- \$250

The total amount being donated is \$2,000.

Thank you for considering this request.

Sincerely,

Lloyd W. Gellineau, MS, PhD, CDE

Office of Diversity, Inclusion, and Community Relations - Town of Brookline

Director/ Chief Diversity Officer

[617-730-2326](tel:617-730-2326)

## 4.I.

### **Children's Mental Health Week Proclamation 2022**

**Whereas**, good mental health is a key component in a child's healthy development and Children's Mental Health Week provides the opportunity to focus on this important matter, while celebrating the accomplishments of children and families affected by mental health concerns; and

**Whereas**, according to the United States Department of Health and Human Services, one in five children is diagnosed with a mental health condition: and

**Whereas**, research has shown early identification and appropriate treatment of mental health disorders among children and adolescents provide them better opportunities to lead full and productive lives; and

**Whereas**, children and youth with mental health problems and their families benefit from access to timely services and supports that are family-driven, youth-guided and culturally appropriate; they also benefit from the integration of behavioral health in primary care, education, and child welfare; and

**Whereas**, it is important that children and adolescents, along with their families and communities, learn about warning signs of mental health disorder and where to obtain necessary assistance and treatment; and

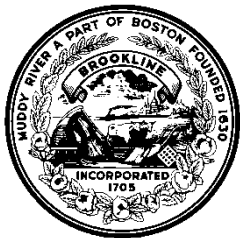
**Whereas**, the involvement and partnership of family members in the care and treatment of children and youth is essential to positive outcomes; and

**Whereas**, Children's Mental Health Week was developed by families of children with emotional, behavioral and mental health needs, to focus on the needs of their children and families; in celebrating this year's theme: "Action Changes Things" it is fitting to increase public awareness among all Massachusetts citizens of this important issue; and

Whereas, obtaining a full and accurate diagnosis of a child requires gathering information from diverse sources, including the family, school and others involved with the child; and

Now, Therefore the Brookline Select Board, do hereby proclaim May 1st - 7th, 2022 as

**CHILDREN'S MENTAL HEALTH AWARENESS WEEK**



**TOWN OF BROOKLINE**  
*Massachusetts*  
**DEPARTMENT OF PUBLIC WORKS**

*Erin Chute Gallentine*  
 Commissioner

May 5, 2022

Dear Select Board Members,

On behalf of the National American Public Works Association (APWA), I respectfully request that the Town of Brookline officially recognize National Public Works Week, May 15-21, 2022.

Since 1960, APWA has sponsored National Public Works Week. This annual observance, which takes place during the third full week in May, is designed to educate communities and their leaders on the importance of our nation's public infrastructure and the core critical services provided by public works. Events during and leading up to the week include:

Spring Fest: Saturday May 7<sup>th</sup> ~11:00 am – 2:00 pm @ Allerton Overlook  
 Evening with Commissioner & Leadership Team: Wednesday, May 11 ~ 6:00 pm via Zoom  
 Safe Routes to School-Bike Rodeo: Sunday, May 15<sup>th</sup> ~10:00 am – 1:30 pm @ Town Hall  
 DPW Day:Public Open House: Thursday, May 19<sup>th</sup> ~1:00 pm – 6:00 pm @870 Hammond St.

National Public Works Week also serves as a time to recognize the contributions of public works professionals who design, build, operate, and maintain the transportation systems, water supply, sanitary sewer, fleet, refuse disposal systems, parks and open space, urban forest, and other critical infrastructure while preserving and protecting our environment. The demands of our changing world require these employees to be available as first responders in the event of any type of emergency. Therefore, we believe it is important for our community to honor those who devote their lives to its service.

Thank you for your consideration.

Sincerely,

Erin Gallentine  
 Commissioner of Public Works

**National Public Works Week Proclamation**  
**May 15–21, 2022**  
**“Ready and Resilient”**

WHEREAS, public works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the Town of Brookline and,

WHEREAS, these infrastructures, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, and the engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the Town of Brookline to gain knowledge and maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities; and,

WHEREAS, the 2022 National Public Work theme “Ready and Resilient” highlights that Public works professionals are always READY to serve their communities and RESILIENT as ever in their abilities to pick themselves up off the ground after encountering challenges. These public works professionals perform their regular duties and are ready at a moment's notice to react as first responders during natural disasters and overcome trials seen in the field. They are what make our communities great places to live and work. So join us in celebrating these superheroes!

## “National Public Works Week”

NOW THEREFORE, the Town of Brookline does hereby proclaim the week of May 15 through 21, 2022 as “National Public Works Week” in the Town of Brookline and encourages all citizens and civic organizations to recognize the substantial contributions Public Works personnel make to protect our health, safety and quality of life.

Given under our hand and Seal of the Town of Brookline, in the Commonwealth of Massachusetts, this 12th day of May, 2022.

**ATTEST:**

\_\_\_\_\_  
**Melvin A. Kleckner**

Town Administrator

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
**SELECT BOARD**





**TOWN OF BROOKLINE**  
*Massachusetts*  
**DEPARTMENT OF PUBLIC WORKS**

*Erin Chute Gallentine*  
Commissioner

## **Memorandum**

---

To: Select Board  
From: Erin Gallentine, Commissioner of Public Works  
Robert King, Director of Engineering and Transportation  
Alexandra Vecchio, Director of Parks and Open Space  
Date: May 2, 2022  
Re: PW/22-22 OLD BURYING GROUND CRYPT TOMB DOORS  
Cassidy Bros Forge, Inc., Contract Proposal No. 2438  
Cc: William Smith, Project Coordinator, DPW-Engineering & Transportation Division

Attached herewith for the Select Board's review and signatures is contract PW/22-22, in the amount of \$49,067.00 with historic metal crafts contractor, Cassidy Bros. Forge, Inc., based in Rowley, MA, for the fabrication, finishing and installation of eight (8) historic, crypt tomb doors and associated forged hardware at the Old Burying Ground located at the southwest corner of Walnut and Chestnut Streets. Funding shall be drawn from Acct# 4913K115 6P0058, a capital improvements appropriation for upgrades to the Old Burying Ground.

Production progress, shop drawing approvals and contract payments, both in the Rowley shop and on site, will be overseen and administered closely by the Department of Public Works, Engineering & Transportation Division. Per the contract proposal, Cassidy Bros. Forge, Inc. anticipates completion of the tomb doors in the Fall of 2022.

# TOWN OF BROOKLINE

## CONTRACT CODING APPROVAL FORM

DEPARTMENT: Department of Public Works,  
Parks & Open Space Division

Prepared by: WSmith

Vendor Name: Cassidy Bros Forge, Inc.

Vendor # 49448

Contract Name: Old Burying Ground - Crypt Tombs  
Historic Doors & Hardware Replication

Contract # PW/22-22

Purpose of Contract/Description:

Amount of Contract \$ 49,067.00

Cassidy Bros Forge, Inc., qualified in the replication and restoration of historic metal work, and more uniquely that which involves heating metals at a traditional forge, will fabricate, finish and install seven (7) replicated, 4-panel, galvanized steel doors, including forged strap hinges and hasps, as well as pintles, at the historic masonry crypt tomb openings in Brookline's Old Burying Ground. The proposal further includes the refurbishment of an eighth (8th), existing steel door at the 'Receiving Tomb.'

### CODING\*

Org #	Org Name	Acct #	Acct Name	Amount
4913K115	DPW CIP	6P0058	Old Burial Grounds	\$ 49,067.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

\*For "K" or "C" accounts, please call it "CIP", precede by your Dept (e.g., 4909K001 would be "DPW CIP")

Department Head *Jim Gallentine*  
Commissioner of Public Works

Date 5/2/22

### Comptroller and Purchasing Approvals

Funds Available/Codes Correct

*Jim B. Ravasi*  
Comptroller

05/02/2022  
Date Approved by Comptroller

Complies with Appropriate Procurement Law  
MGL ch 149, ch 30 30M, or ch 30B

*Paula*  
Purchasing

5/2/22  
Date Approved by Purchasing

4.L.  
**TOWN OF BROOKLINE**  
*Massachusetts*  
**DEPARTMENT OF PUBLIC WORKS**

*Erin Chute Gallentine*  
Commissioner

## **Memorandum**

---

To: Members of the Select Board  
From: Erin Chute Gallentine - Commissioner of Public Works  
Date: May 4, 2022  
Re: PW/20-02 Repair and Installation of Chain Link Fencing - Extra Work Order 1  
Cc: Robert King, PE - Director of Engineering and Transportation  
Alexandra Vecchio, Director of Parks and Open Space  
Dan O'Donnell, Civil Engineer

For your meeting on May 10, 2022, I respectfully submit for your approval, a request to increase the contract with R.A.D Corp. for the Repair and Installation of Chain Link Fencing project, in the total amount of \$23,570.50. The amount includes costs associated with additional fence repairs due to damage that occurred during snow response.

The Department of Public Works respectfully recommends the Select Board award and execute this extra work order in the amount of \$23,570.50 with R.A.D.Corp d/b/a RAD Sports, 171 V.F.W. Drive Rockland, MA 02370.

Thank you for your time and consideration in regards to this project.



TOWN OF BROOKLINE

ENGINEERING DIVISION

EXTRA WORK ORDER

Number 1

I, \_\_\_\_\_, duly authorized representative of R.A.D Corp. d/b/a R.A.D. Sports, Contractor, agree to perform all labor and supply such materials as may be necessary to perform the additional work described below under the contract for Repair and Installation of Chain Link Fencing.

I further agree that the amount or amounts paid to R.A.D. Corp. d/b/a R.A.D. Sports, Contractor, for performing the work shall be as follows:

<b>Fence repairs</b>	<b>\$23,570.50</b>
----------------------	--------------------

The work is in connection with the contract between R.A.D. Corp. d/b/a R.A.D. Sports, and the Town of Brookline, Massachusetts, “Repair and Installation of Chain Link Fencing” Contract No. PW/20-02, dated May 2, 2019.

Approved:

\_\_\_\_\_  
R.A.D. Corp d/b/a R.A.D. Sports  
 (Contractor)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Authorized Representative

Approved:

\_\_\_\_\_  
 Commissioner of Public Works

\_\_\_\_\_  
 Town Administrator

## Town Of Brookline

## Contract Coding Approval Form

Department: Public Works/Engineering DivisionVendor Name: R.A.D. Corp. d/b/a R.A.D. SportsVendor Number: 57018Amount of Contract: \$23,570.50Contract #: PW/20-02 Repair and Installation of Chain Link Fencing - primary

## Purpose of Contract:

**Description:** This contract is the Extra Work Order #1 for PW/20-02. Extra work includes fence repair due to damage that has occurred during snow response.

## Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
42004230		524058		\$23,570.50

\* For "WS" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4998WS08 would be "DPW CIP").

Department Head: \_\_\_\_\_

Date \_\_\_\_\_

Comptroller and Purchasing Approvals

Funds Available/Codes Correct

Comptroller

05/05/...

Date Approved by Comptroller

Complies with Appropriate Procurement Law  
(MGL ch 149, ch 30 30 30M, or ch 30B)

Purchasing

Date Approved by Purchasing



**TOWN OF BROOKLINE**  
*Massachusetts*  
**DEPARTMENT OF PUBLIC WORKS**

*Erin Chute Gallentine*  
Commissioner

## **Memorandum**

---

To: Members of the Select Board  
From: Erin Chute Gallentine - Commissioner of Public Works  
Date: May 4, 2022  
Re: PW/21-07 Beacon Street General Grounds Maintenance - Extra Work Order 1  
Cc: Robert King, PE - Director of Engineering and Transportation  
Alexandra Vecchio, Director of Parks and Open Space  
Dan O'Donnell, Civil Engineer

For your meeting on May 10, 2022, I respectfully submit for your approval, a request to increase the contract with Leahy Landscaping, Inc. for the Beacon Street General Grounds Maintenance project, in the total amount of \$12,000.00. The amount includes costs associated with additional hourly work to assist with landscaping maintenance.

The work completed under this contract is in line with the Town's Parks and Open Space Capital Improvement Plans and overall maintenance plan for Beacon Street and addresses areas that have been identified for upkeep.

The Department of Public Works respectfully recommends the Select Board award and execute this extra work order in the amount of \$12,000.00 with Leahy Landscaping, Inc., 56 Sanderson Ave, Lynn MA 01902.

Thank you for your time and consideration in regards to this project.

TOWN OF BROOKLINE

ENGINEERING DIVISION

EXTRA WORK ORDER

Number 1

I, \_\_\_\_\_, duly authorized representative of Leahy Landscaping, Inc., Contractor, agree to perform all labor and supply such materials as may be necessary to perform additional landscape services under the contract for Beacon Street General Grounds Maintenance.

I further agree that the amount or amounts paid to Leahy Landscaping, Inc., Contractor, for performing the above-specified work shall be as follows:

**Additional landscape services****\$12,000.00**

The work is in connection with the contract between Leahy Landscaping, Inc., and the Town of Brookline, Massachusetts, "Beacon Street General Grounds Maintenance," Contract No. PW/21-07, dated August 19, 2020.

Approved:

\_\_\_\_\_  
Leahy Landscaping, Inc.  
 (Contractor)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Authorized Representative

Approved:

\_\_\_\_\_  
 Commissioner of Public Works

\_\_\_\_\_  
 Town Administrator

# Town Of Brookline

## Contract Coding Approval Form

Department: Public Works/Engineering DivisionVendor Name: Leahy Landscaping, Inc.Vendor Number: 59454 Amount of Contract: \$12,000.00Contract #: PW/21-07 Beacon Street General Grounds Maintenance

Purpose of Contact:

<b>Description:</b> This contract is the Extra Work Order #1 for PW/21-07 Beacon Street and General Grounds Maintenance.

Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
46004650		523599		\$12,000.00

\* For "WS" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4998WS08 would be "DPW CIP").

Department Head: \_\_\_\_\_ Date \_\_\_\_\_

### Comptroller and Purchasing Approvals

Funds Available/Codes Correct

Comptroller

05/05/20...

Date Approved by Comptroller

Complies with Appropriate Procurement Law  
(MGL ch 149, ch 30 30 30M, or ch 30B)

Purchasing

Date Approved by Purchasing



**TOWN OF BROOKLINE**  
*Massachusetts*  
**DEPARTMENT OF PUBLIC WORKS**

*Erin Chute Gallentine*  
*Commissioner*

## **Memorandum**

---

To: Members of the Select Board  
From: Erin Chute Gallentine - Commissioner of Public Works  
Date: May 5, 2022  
Re: PW/20-01 School Grounds Maintenance - Extra Work Order 3  
Cc: Robert King, PE - Director of Engineering and Transportation  
Alexandra Vecchio, Director of Parks and Open Space  
Dan O'Donnell, Civil Engineer

For your meeting on May 10, 2022, I respectfully submit for your approval, a request to increase the contract with Park Landscape Associates, Inc. for the School Grounds Maintenance project, in the total amount of \$25,474.00. The amount includes costs associated with additional hourly work to assist with landscaping maintenance and snow removal.

The work completed under this contract is in line with the Town's Parks and Open Space Capital Improvement Plans and overall maintenance plan for school grounds and town cemeteries and addresses areas that have been identified for upkeep.

The Department of Public Works respectfully recommends the Select Board award and execute this extra work order in the amount of \$25,474.00 with Park Landscape Associates, Inc., 1 Westinghouse Plaza, Hyde Park MA 02136.

Thank you for your time and consideration in regards to this project.

TOWN OF BROOKLINE

ENGINEERING DIVISION

EXTRA WORK ORDER

Number 3

I, \_\_\_\_\_, duly authorized representative of Park Landscape Associates, Inc., Contractor, agree to perform all labor and supply such materials as may be necessary to perform the additional work described below under the contract for School Grounds Maintenance.

I further agree that the amount or amounts paid to Park Landscape Associates, Inc., Contractor, for performing the work shall be as follows:

<b><u>Additional landscape maintenance and snow removal</u></b>	<b><u>\$25,474.00</u></b>
---	---------------------------

The work is in connection with the contract between Park Landscape Associates, Inc., and the Town of Brookline, Massachusetts, "School Grounds Maintenance," Contract No. PW/20-01, dated June 25, 2019.

Approved:

\_\_\_\_\_  
Park Landscape Associates, Inc.  
(Contractor)

\_\_\_\_\_  
Date\_\_\_\_\_  
Authorized Representative

Approved:

\_\_\_\_\_  
Commissioner of Public Works\_\_\_\_\_  
Town Administrator



# Town Of Brookline

## Contract Coding Approval Form

Department: Public Works/Engineering DivisionVendor Name: Park Landscape Associates, Inc.Vendor Number: 7449 Amount of Contract: \$25,474.00Contract #: PW/20-01

Purpose of Contact:

<b>Description:</b> This is an Extra Work Order #1 for PW/20-01. Extra work includes additional landscaping services on school grounds including pruning, raking, weeding, mowing and trimming, seeding, incidental planting, leaf removal and disposal, and regular/emergency snow removal.

**Coding:**

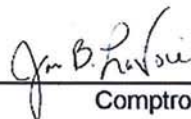
Org #	Org Name *	Acct #	Acct Name	Amount
46004690		523599		\$10,000.00
42004230		524058		\$15,474.00

\* For "WS" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4998WS08 would be "DPW CIP").

Department Head: \_\_\_\_\_ Date \_\_\_\_\_

Comptroller and Purchasing Approvals

Funds Available/Codes Correct



Comptroller

05/05/2022

Date Approved by Comptroller

 Complies with Appropriate Procurement Law  
 (MGL ch 149, ch 30 30 30M, or ch 30B)

  
 Purchasing

  
 Date Approved by Purchasing





**TOWN OF BROOKLINE**  
*Massachusetts*  
**DEPARTMENT OF PUBLIC WORKS**

*Erin Chute Gallentine*  
 Commissioner

## **Memorandum**

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To: Members of the Select Board  
 From: Erin Chute Gallentine - Commissioner of Public Works  
 Date: May 4, 2022  
 Re: PW/20-03 Upkeep of Trees and Related Work - Extra Work Order 5  
 Cc: Robert King, PE - Director of Engineering and Transportation  
 Alexandra Vecchio, Director of Parks and Open Space  
 Dan O'Donnell, Civil Engineer

For your meeting on May 10, 2022, I respectfully submit for your approval, a request to increase the contract with North-Eastern Tree Service for the Upkeep of Trees and Related Work project, in the total amount of \$101,880.00. The amount includes costs associated with additional forestry landscape services, cemetery care and tree removal and replacement.

The work completed under this contract is in line with the Town's Parks and Open Space Capital Improvement Plans and overall Master Plan for various parks, and addresses areas of the parks that have been identified for upkeep. In particular, this Extra Work Order includes:

- Forestry landscape services
- Cemetery Preparation and care
- Tree removal and replacement

The Department of Public Works respectfully recommends the Select Board award and execute this extra work order in the amount of \$101,880.00 with North-Eastern Tree Service, 1000 Pontiac Ave, Cranston RI 02920.

Thank you for your time and consideration in regards to this project.

# 4.O.

TOWN OF BROOKLINE

ENGINEERING DIVISION

EXTRA WORK ORDER

Number 5

I, \_\_\_\_\_, duly authorized representative of North-Eastern Tree Service, Inc., Contractor, agree to perform all labor and supply such materials as may be necessary to perform additional pruning services under the contract for Upkeep of Trees and Related work.

I further agree that the amount or amounts paid to North-Eastern Tree Service, Inc., Contractor, for performing the above-specified work shall be as follows:

**Additional landscape services**

**\$101,880.00**

The work is in connection with the contract between North-Eastern Tree Service, Inc., and the Town of Brookline, Massachusetts, "Upkeep of Trees and Related Work," Contract No. PW/20-03, dated June 25, 2019.

Approved:

North-Eastern Tree Service, Inc.  
(Contractor)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative

Approved:

\_\_\_\_\_  
Commissioner of Public Works

\_\_\_\_\_  
Town Administrator

# Town Of Brookline

## Contract Coding Approval Form

Department: Public Works/Engineering Division

Vendor Name: North-Eastern Tree Service, Inc.

Vendor Number: 51870 Amount of Contract: \$101,880.00

Contract #: PW/20-03 Upkeep of Trees and Related Work

Purpose of Contact:

<b>Description:</b> This contract is the Extra Work Order #2 for PW/20-03 Upkeep of Trees and Related Work.

Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
46004680		523599		\$39,500.00
42004230		524058		\$32,380.00
4996TW23		523599		\$10,000.00
4922K051	DPW CIP	6C0011		\$20,000.00

\* For "WS" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4998WS08 would be "DPW CIP").

Department Head: \_\_\_\_\_ Date \_\_\_\_\_

Comptroller and Purchasing Approvals

Funds Available/Codes Correct

Comptroller

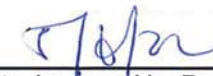
05/05/2022

Date Approved by Comptroller

4.O.

Complies with Appropriate Procurement Law  
(MGL ch 149, ch 30 30 30M, or ch 30B)

  
Purchasing

  
Date Approved by Purchasing

## **One Day Temporary Alcohol license**

Applicant: Karen Hasenfus  
DBA: Larz Anderson Auto Museum  
Location: 15 Newton Street

### **Application Details:**

A Temporary **Wine and Malt** Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 12, 2022 for Non-Profit Fundraiser 6:00PM – 9:00PM at 15 Newton Street. 500 people expected to attend.

A Temporary **Wine and Malt** Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 15, 2022 for Corporate Cocktail Reception 5:30PM – 9:30PM at 15 Newton Street. 75 people expected to attend.

A Temporary **All Alcoholic** Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 24, 2022 for Corporate Dinner 6:00PM – 10:00PM at 15 Newton Street. 20 people expected to attend

### **Report:**

Police Department (Approved)



RICHARD E. ALLEN  
ACTING CHIEF OF POLICE

## BROOKLINE POLICE DEPARTMENT

*Brookline, Massachusetts*

TO: Chief Richard E. Allen

FROM: Lt. John J. Canney

DATE: April 25<sup>th</sup>, 2022

RE: Temporary Wine and Malt – One Day Permit – Non-Sales – 5/12/2022  
Larz Anderson Auto Museum

---

Sir,

The Larz Anderson Auto Museum, through Operations and Events Manager Karen Hasenfus, has applied for a Section 14 One Day Permit for Wine and Malt Beverages for a Non Profit Fundraiser to be held on Thursday May 12th, 2022, from 6:00 PM to 9:00 PM.

Ms. Karen Hasenfus and/or Ms. Sylvia Passley-Harris will be the responsible managers on site for this event and will ensure compliance with all applicable federal, state, and local laws, regulations, ordinances, and any conditions on the permit, as well as previously discussed conditions.

The event is not open to the public, no admission fee will be charged, and guests will not be charged for alcoholic beverages. Organizers are expecting no more than 500 guests to attend. A Crowd Manager Certificate has been submitted.

All alcoholic beverages at this event will be served by bartenders provided by Max Ultimate Food (617) 427-9799, who employs certified Tips bartenders. The caterer has submitted a copy of their bartender certification in the safe service of alcohol. A copy of caterer's Certificate of Liability Insurance specifically naming the Town of Brookline as a holder of the certificate has been submitted.

A uniformed police detail officer will be assigned to provide security and to manage traffic issues if they arise. Detail Sgt. Heavey was notified of the application.

I see no reason to oppose this application.

Respectfully submitted,  
Lt. John J. Canney #15





RICHARD E. ALLEN  
ACTING CHIEF OF POLICE

# BROOKLINE POLICE DEPARTMENT

*Brookline, Massachusetts*

TO: Chief Richard E. Allen

FROM: Lt. John J. Canney

DATE: April 25<sup>th</sup>, 2022

RE: Temporary All Alcohol – One Day Permit – Non-Sales – 5/15/2022  
Larz Anderson Auto Museum

---

Sir,

The Larz Anderson Auto Museum, through Operations and Events Manager Karen Hasenfus, has applied for a Section 14 One Day Permit for Wine and Malt Beverages for a Corporate Cocktail Reception to be held on Sunday May 15th, 2022, from 5:30 PM to 9:30 PM.

Ms. Karen Hasenfus and/or Ms. Sylvia Passley-Harris will be the responsible managers on site for this event and will ensure compliance with all applicable federal, state, and local laws, regulations, ordinances, and any conditions on the permit, as well as previously discussed conditions.

The event is not open to the public, no admission fee will be charged, and guests will not be charged for alcoholic beverages. Organizers are expecting no more than 75 guests to attend. A Crowd Manager Certificate has been submitted.

All alcoholic beverages at this event will be served by bartenders provided by Boston Catering and Events Catering (781) 938-9300, who employs certified Tips bartenders. The caterer has submitted a copy of their bartender certification in the safe service of alcohol. A copy of caterer's Certificate of Liability Insurance specifically naming the Town of Brookline as a holder of the certificate has been submitted.

A uniformed police detail officer will be assigned to provide security and to manage traffic issues if they arise. Detail Sgt. Heavey was notified of the application.

I see no reason to oppose this application.

Respectfully submitted,  
Lt. John J. Canney #15



OFFICE OF THE SELECT BOARD

MEMORANDUM

TO: Richard E. Allen, Acting Chief of Police

FROM: Melvin Kleckner, Town Administrator

RE: Temporary - One Day Alcohol License

DATE: April 22, 2022

---

May we please have a report on the attached request for:

A Temporary **Wine and Malt** Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 12, 2022 for Non-Profit Fundraiser 6:00PM – 9:00PM at 15 Newton Street. 500 people expected to attend.

A Temporary **Wine and Malt** Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 15, 2022 for Corporate Cocktail Reception 5:30PM – 9:30PM at 15 Newton Street. 75 people expected to attend.

This application is scheduled to go before the Board on **May 3, 2022**. May we please have the reports no later than **April 28, 2022**.

Thank you.



4.P.

**TOWN OF BROOKLINE  
APPLICATION FOR A PERMIT TO SERVE ALCOHOLIC BEVERAGES ON  
TOWN PROPERTY (NON SALES /WINE & BEER ONLY)**

Date April 6, 2022

I hereby make application for a PERMIT TO SERVE ALCOHOLIC BEVERAGES ON TOWN PROPERTY at a

Non-profit Fundraiser  
(state whether a meeting, banquet, concert, picnic, wedding, etc.)

Which is to be held at the Larz Anderson Auto Museum  
(Name of Person or Organization)

15 Newton Street , Brookline MA 02445  
(Address of Person or Organization)

On the 12th day of May, 2022

Between the hours of 6:00 PM—9:00 PM at the following described Town property:

The Larz Anderson Auto Museum

If the applicant is an organization, complete name and address of the organization's officers:

Name: Northrup Knox Title: President Address: 699 High Street Dedham

Name: William Keeney Title: Vice President Address: 2221 Washington St. Newton

Name: Mark Daniel Title: Treasure Address: 35 Priscilla Lane Quincy

**NOTE: If the answer to Questions 4, 5, 6 or 7 is yes, you do not qualify for a non-sales permit and you should seek instead a special license to sell alcohol.**

1) How many cases or barrels, etc. of each type of alcoholic beverage will be made available to guests?

10 cases each wine and beer 10 bottles each other types

2) What is the maximum number of people to attend? 500

3) What is the age group of people to attend? 50

4) Are you charging an admission fee? NO

5) Are you charging for alcoholic beverages? NO

6) Is the event open to the public? NO

7) Are tickets to the event available for purchase? NO

8) How will alcoholic beverages be dispensed or served and by whom? Please state the names, addresses of all person(s) serving alcoholic beverages.

Bartender will be provided Max Ultimate Food (617) 427-9799

9) State whether or not the person(s) dispensing or serving alcohol received TIPS certification or equivalent safe-service of alcohol training and the date(s) of any such certification or training and attach documentation pertaining to such certification or training:

Bartenders are all certified and insured

10) If any attending are under age 21, what method will be used to check ID and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Bartenders will check ID's

11) Will a police detail or other types of security be provided? YES

If "YES" what type and how many? Brookline Police detail

12) Please state the name, address, age and 24-hour contact information of the individual (who must be at least 21 years of age) who will be physically present at the event and who will ensure compliance with all applicable federal, state and local laws, regulations, ordinances and any conditions on the permit and who will ensure the maintenance of order and decorum:

Sylvia Passley Harris	Clyde St.	Brookline MA	05/26/1955
Karen Hasenfus	7 Gleason Ct.	Walpole, MA	09/29/1954
(Name)	(Address)		(Date of Birth)

Telephone number: (617) 522-6547 (617) 283-7265

Email Address: khasenfus@larzanderson.org feonapassley@hotmail.com

**This application must be accompanied by proof that the applicant has secured, and there is in effect during the period of time for which the permit is sought, a general liability policy naming the Town as the additional insured or if the general liability policy exempts alcohol related incidents or occurrences a liquor liability policy naming the Town as an additional insured.**

**By signing this application, the applicant absolves the Town and its officials, officers, employees, agents and representatives from all liability in connection with the applicant's use of Town property. By signing this application, the applicant agrees to indemnify the Town for any damage to the Town's personal and real property resulting from the applicant's use of Town property and agrees to indemnify the Town for any expenses the Town incurs in restoring Town property to its condition prior to use (in excess of any routine cleaning and maintenance service the Town would ordinarily have performed irrespective of the use.**



Signature

Karen H Hasenfus  
Name Printed

Operations and Events Manager  
Title (if on the behalf of an Organization)

15 Newton St. Brookline MA 02445  
Address

(617) 522-6547  
Telephone number(s)

khasenfus@larzanderson.org  
Email address(es)

d. Carry it with you as proof of your TIPS certification.

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help to  
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xication,

ID#: 5547442 Name: Kataya Sykes  
Exam Date: 9/3/2021 Expiration Date: 9/3/2024

**TIPS** eTIPS On Premise 3.1 **CERTIFIED**  
Issued: 9/3/2021 Expires: 9/3/2024  
ID#: 5547442

Kataya Sykes  
Max Ultimate Catering  
Restaurant Associates  
10 Newmarket Sq  
Boston, MA 02118-2601

For service visit us online at [www.gettips.com](http://www.gettips.com)



# CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)  
04/19/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MARSH USA, INC. TWO ALLIANCE CENTER 3560 LENOX ROAD, SUITE 2400 ATLANTA, GA 30326		<b>CONTACT NAME:</b> Randi K. Nowell, CPCU, ARM <b>PHONE (A/C, No, Ext):</b> 404-995-3102 <b>E-MAIL ADDRESS:</b> Compasscerts@Marsh.com <b>FAX (A/C, No):</b>	
CN102832071-Compa-UMB10-21- RESTA RESTA		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> National Union Fire Ins Co. of Pittsburgh PA <b>INSURER B:</b> AIU Insurance Co <b>INSURER C:</b> ACE Property And Casualty Ins Co <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
		<b>NAIC #</b> 19445 19399 20699	

**COVERAGES** **CERTIFICATE NUMBER:** ATL-005420599-01 **REVISION NUMBER:** 23

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> SIR: \$1,000,000 <input checked="" type="checkbox"/> Contractual Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			GL 6547187	09/30/2021	09/30/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000 \$
A	AUTOMOBILE LIABILITY			CA 7030998 (AOS)	09/30/2021	09/30/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000
A	<input checked="" type="checkbox"/> ANY AUTO			CA 7031001 (VA)	09/30/2021	09/30/2022	BODILY INJURY (Per person) \$
A	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS		CA 7030999 (MA)	09/30/2021	09/30/2022	BODILY INJURY (Per accident) \$
A	<input checked="" type="checkbox"/> HIRED AUTOS ONLY	<input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY		CA7031003 (Garage Liability)	09/30/2021	09/30/2022	PROPERTY DAMAGE (Per accident) \$
				Self Insured for Physical Damage			\$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$0			XOO G27738631	09/30/2021	09/30/2022	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC 016393375 (AOS)	09/30/2021	09/30/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
B	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A	WC 016393377 (CA)	09/30/2021	09/30/2022	E.L. EACH ACCIDENT \$ 2,000,000
B	If yes, describe under DESCRIPTION OF OPERATIONS below			WC 016393380 (NY)	09/30/2021	09/30/2022	E.L. DISEASE - EA EMPLOYEE \$ 2,000,000
				See Acord 101			E.L. DISEASE - POLICY LIMIT \$ 2,000,000
A	Liquor Liability			GL6547185	09/30/2021	09/30/2022	Each Common Cause 1,000,000
				SIR: \$1,000,000			Aggregate 10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE : Event at Larz Anderson Auto Museum on Thursday, May 12, 2022.

Larz Anderson Auto Museum and the Town of Brookline. is/are included as Additional Insured with respect to the General Liability, Auto Liability, Liquor Liability and Umbrella liability policies referenced herein per written contract or agreement subject to policy terms, conditions, and exclusions and where permitted by law.

## CERTIFICATE HOLDER

Town of Brookline  
333 Washington St.  
Brookline, MA 02445

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Marsh USA Inc.*

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AGENCY CUSTOMER ID: CN102832071

LOC #: Atlanta



# **ADDITIONAL REMARKS SCHEDULE**

Page 2 of 2

<b>AGENCY</b> MARSH USA, INC.		<b>NAMED INSURED</b> Restaurant Associates, Inc. A division of Compass Group USA, Inc. 2400 Yorkmont Road Charlotte, NC 28217	
<b>POLICY NUMBER</b>		<b>EFFECTIVE DATE:</b>	
<b>CARRIER</b>	<b>NAIC CODE</b>		

## **ADDITIONAL REMARKS**

**THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,**

**FORM NUMBER:** 25 **FORM TITLE:** Certificate of Liability Insurance

Workers Compensation Continued:

Workers Compensation Policy #WC016393375 (AOS POLICY) Covers ALL States except: CA, NY, OH and WI

Carrier: New Hampshire Insurance Company

Policy Number: WC 016393378

Effective Date: 09/30/2021

Expiration Date: 09/30/2022

Policy Covers States of: WI

Stop Gap Coverage: ND, OH, WA, WY.

Limit:

E.L. Each Accident: \$2,000,000

E.L. Disease-Policy: \$2,000,000

E.L. Disease Each Employee: \$2,000,000

Workers Compensation Continued:

Carrier: National Union Fire Ins. Co. of PA

Policy Number: XW 1647296

Effective Date: 09/30/2021

Expiration Date: 09/30/2022

Policy Covers States of: OH (Excess WC)

Limit:

E.L. Each Accident: \$2,000,000

E.L. Disease-Policy: \$2,000,000

E.L. Disease Each Employee: \$2,000,000

## **ADDITIONAL INFORMATION**

Umbrella is follow form of primary Commercial General Liability, Automobile Liability, Liquor Liability and Employers Liability policies subject to policy terms, conditions and exclusions

4.P.



**TOWN OF BROOKLINE  
APPLICATION FOR A PERMIT TO SERVE ALCOHOLIC BEVERAGES ON  
TOWN PROPERTY (NON SALES /WINE & BEER ONLY)**

Date March 19, 2022

I hereby make application for a PERMIT TO SERVE ALCOHOLIC BEVERAGES ON TOWN PROPERTY at a

Corporate Cocktail Reception  
(state whether a meeting, banquet, concert, picnic, wedding, etc.)

Which is to be held at the Larz Anderson Auto Museum  
(Name of Person or Organization)

15 Newton Street, Brookline MA 02445  
(Address of Person or Organization)

On the 15th day of May, 2022

Between the hours of 5:30 PM—9:30 PM at the following described Town property:

The Larz Anderson Auto Museum

If the applicant is an organization, complete name and address of the organization's officers:

Name: Northrup Knox Title: President Address: 699 High Street Dedham

Name: William Keeney Title: Vice President Address: 2221 Washington St. Newton

Name: Mark Daniel Title: Treasure Address: 35 Priscilla Lane Quincy

**NOTE: If the answer to Questions 4, 5, 6 or 7 is yes, you do not qualify for a non-sales permit and you should seek instead a special license to sell alcohol.**

1) How many cases or barrels, etc. of each type of alcoholic beverage will be made available to guests?

2 cases each beer and wine and 2 bottles each other types of alcohol

2) What is the maximum number of people to attend? 75

3) What is the age group of people to attend? 50

4) Are you charging an admission fee? NO

5) Are you charging for alcoholic beverages? NO

6) Is the event open to the public? NO

7) Are tickets to the event available for purchase? NO

8) How will alcoholic beverages be dispensed or served and by whom? Please state the names, addresses of all person(s) serving alcoholic beverages.

Bartender will be provided Boston Catering and Event (781) 938-9300

9) State whether or not the person(s) dispensing or serving alcohol received TIPS certification or equivalent safe-service of alcohol training and the date(s) of any such certification or training and attach documentation pertaining to such certification or training:

Bartenders are all certified and insured

10) If any attending are under age 21, what method will be used to check ID and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Bartenders will check ID's

11) Will a police detail or other types of security be provided? YES

If "YES" what type and how many? Brookline Police detail

12) Please state the name, address, age and 24-hour contact information of the individual (who must be at least 21 years of age) who will be physically present at the event and who will ensure compliance with all applicable federal, state and local laws, regulations, ordinances and any conditions on the permit and who will ensure the maintenance of order and decorum:

Sylvia Passley Harris	Clyde St.	Brookline MA	05/26/1955
Karen Hasenfus	7 Gleason Ct.	Walpole, MA	09/29/1954
(Name)	(Address)		(Date of Birth)

Telephone number: (617) 522-6547 (617) 283-7265

Email Address: khasenfus@larzanderson.org feonapassley@hotmail.com

**This application must be accompanied by proof that the applicant has secured, and there is in effect during the period of time for which the permit is sought, a general liability policy naming the Town as the additional insured or if the general liability policy exempts alcohol related incidents or occurrences a liquor liability policy naming the Town as an additional insured.**

**By signing this application, the applicant absolves the Town and its officials, officers, employees, agents and representatives from all liability in connection with the applicant's use of Town property. By signing this application, the applicant agrees to indemnify the Town for any damage to the Town's personal and real property resulting from the applicant's use of Town property and agrees to indemnify the Town for any expenses the Town incurs in restoring Town property to its condition prior to use (in excess of any routine cleaning and maintenance service the Town would ordinarily have performed irrespective of the use.**



Signature

Karen H Hasenfus

Name Printed

Operations and Events Manager

Title (if on the behalf of an Organization)

15 Newton St. Brookline MA 02445

Address

(617) 522-6547

Telephone number(s)

khasenfus@larzanderson.org

Email address(es)

**tips**® **CERTIFIED**

**ciIPS On Premise 3.0**

**Issued: 8/21/2019**

**Expires: 8/21/2022**

**ID#: 5173708**

**Erica Quinn**

**142 Pleasant Valley St Apt 110301**

**Methuen, MA 016.4-7260**

For service visit us online at [www.gettips.com](http://www.gettips.com)



BSTOCAF-01

DANDERSON

DATE (MM/DD/YYYY)  
4/19/2022

# CERTIFICATE OF LIABILITY INSURANCE

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> <b>Lathrop Insurance Agency</b> <b>33 Crestview Dr</b> <b>Westerly, RI 02891</b>		<b>CONTACT NAME:</b> <b>PHONE (A/C, No, Ext): (401) 596-2525</b> <b>FAX (A/C, No):</b> <b>E-MAIL ADDRESS:</b>	
		<b>INSURER(S) AFFORDING COVERAGE</b>	<b>NAIC #</b>
		<b>INSURER A : The Hartford</b>	<b>00914</b>
<b>INSURED</b>  <b>Boston Cafe &amp; Catering Inc.</b> <b>325 New Boston St #15</b> <b>Woburn, MA 01801</b>		<b>INSURER B : Hartford Fire Insurance Company</b>	<b>19682</b>
		<b>INSURER C :</b>	
		<b>INSURER D :</b>	
		<b>INSURER E :</b>	
		<b>INSURER F :</b>	

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			02SBAAR2Y5S	3/1/2022	3/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			02UECBC4104	3/1/2022	3/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			02SBAAR2Y5S	3/1/2022	3/1/2023	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	02WECAR2ZM3	3/1/2022	3/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 All operations usual and incidental to the business of the named insured

General Liability - SL 30 32 (06/21) Blanket Additional Insured By Contract; SL 00 00 (10/18) Primary and Non-Contributory To Other Insurance When Required By Contract; Waiver of Subrogation

HD 99 02 (09/12) Commercial Automobile Broad Form Endorsement - Additional Insured If Required by Contract; Primary And Noncontributory; Waiver Of Subrogation  
 SEE ATTACHED ACORD 101

## CERTIFICATE HOLDER

## CANCELLATION

<b>Town of Brookline</b> <b>333 Washington Street</b> <b>Brookline, MA 02445</b>	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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## ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY <b>Lathrop Insurance Agency</b>		NAMED INSURED <b>Boston Cafe &amp; Catering Inc.</b> <b>325 New Boston St #15</b> <b>Woburn, MA 01801</b>	
POLICY NUMBER <b>SEE PAGE 1</b>			
CARRIER <b>SEE PAGE 1</b>	NAIC CODE <b>SEE P 1</b>	EFFECTIVE DATE: <b>SEE PAGE 1</b>	

## ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
FORM NUMBER: ACORD 25 FORM TITLE: Certificate of Liability Insurance

Description of Operations/Locations/Vehicles:  
Umbrella Liability - SU 00 00 (12/19) - Follow Form

For an event to take place at the Larz Anderson Auto Museum 5/15/22



RICHARD E. ALLEN  
ACTING CHIEF OF POLICE

**BROOKLINE POLICE DEPARTMENT**  
*Brookline, Massachusetts*

TO: Chief Richard E. Allen

FROM: Lt. John J. Canney

DATE: May 5th, 2022

RE: Temporary All Alcohol – One Day Permit – Non-Sales – 5/24/2022  
Larz Anderson Auto Museum

---

Sir,

The Larz Anderson Auto Museum, through Operations and Events Manager Karen Hasenfus, has applied for a Section 14 One Day Permit for Wine and Malt Beverages for a Corporate Dinner to be held on Tuesday, May 24th, 2022, from 6:00 PM to 10:00 PM.

Ms. Karen Hasenfus and/or Ms. Sylvia Passley-Harris will be the responsible managers on site for this event and will ensure compliance with all applicable federal, state, and local laws, regulations, ordinances, and any conditions on the permit, as well as previously discussed conditions.

The event is not open to the public, no admission fee will be charged, and guests will not be charged for alcoholic beverages. Organizers are expecting no more than 20 guests to attend. A Crowd Manager Certificate has been submitted.

All alcoholic beverages at this event will be served by bartenders provided by The Catered Affair (781) 982-9333, who employs certified Tips bartenders. The caterer has submitted a copy of their bartender certification in the safe service of alcohol. A copy of caterer's Certificate of Liability Insurance specifically naming the Town of Brookline as a holder of the certificate has been submitted.

A uniformed police detail officer will be assigned to provide security and to manage traffic issues if they arise. Detail Sgt. Heavey was notified of the application.

I see no reason to oppose this application.

Respectfully submitted,  
Lt. John J. Canney #15



OFFICE OF THE SELECT BOARD

MEMORANDUM

TO: Richard E. Allen, Acting Chief of Police

FROM: Melvin Kleckner, Town Administrator

RE: Temporary - One Day Alcohol License

DATE: April 28, 2022

---

May we please have a report on the attached request for:

A Temporary **All Alcoholic** Beverages Non-Sales License to The Larz Anderson Auto Museum to be held on May 24, 2022 for Corporate Dinner 6:00PM – 10:00PM at 15 Newton Street. 20 people expected to attend.

This application is scheduled to go before the Board on **May 10, 2022**. May we please have the reports no later than **May 3, 2022**.

Thank you.



**TOWN OF BROOKLINE  
APPLICATION FOR A PERMIT TO SERVE ALCOHOLIC BEVERAGES ON  
TOWN PROPERTY (NON SALES /ALL KINDS)**

Date April 25, 2022

I hereby make application for a PERMIT TO SERVE ALCOHOLIC BEVERAGES ON TOWN PROPERTY at a

Corporate Dinner Reception  
(state whether a meeting, banquet, concert, picnic, wedding, etc.)

Which is to be held at the Larz Anderson Auto Museum  
(Name of Person or Organization)

15 Newton Street, Brookline MA 02445  
(Address of Person or Organization)

On the 24th day of May, 2022

Between the hours of 6:00 PM- 10:00 PM at the following described Town property:

The Larz Anderson Auto Museum

If the applicant is an organization, complete name and address of the organization's officers:

Name: Northrup Knox Title: President Address: 699 High Street Dedham

Name: William Keeney Title: Vice President Address: 2221 Washington St. Newton

Name: Mark Daniel Title: Treasure Address: 35 Priscilla Lane Quincy

**NOTE: If the answer to Questions 4, 5, 6 or 7 is yes, you do not qualify for a non-sales permit and you should seek instead a special license to sell alcohol.**

- 1) How many cases or barrels, etc. of each type of alcoholic beverage will be made available to guests?  
1 cases each wine and beer 1 bottles each other types
- 2) What is the maximum number of people to attend? 20
- 3) What is the age group of people to attend? 45
- 4) Are you charging an admission fee? NO
- 5) Are you charging for alcoholic beverages? NO
- 6) Is the event open to the public? NO
- 7) Are tickets to the event available for purchase? NO

8) How will alcoholic beverages be dispensed or served and by whom? Please state the names, addresses of all person(s) serving alcoholic beverages.

Bartender will be provided The Catered Affair (781) 982-9333

9) State whether or not the person(s) dispensing or serving alcohol received TIPS certification or equivalent safe-service of alcohol training and the date(s) of any such certification or training and attach documentation pertaining to such certification or training:

Bartenders are all certified and insured

10) If any attending are under age 21, what method will be used to check ID and what procedures will be followed to make certain that those under age 21 are not served and are not allowed to consume alcoholic beverages?

Bartenders will check ID's

11) Will a police detail or other types of security be provided? YES

If "YES" what type and how many? Brookline Police detail

12) Please state the name, address, age and 24-hour contact information of the individual (who must be at least 21 years of age) who will be physically present at the event and who will ensure compliance with all applicable federal, state and local laws, regulations, ordinances and any conditions on the permit and who will ensure the maintenance of order and decorum:

Sylvia Passley Harris	Clyde St.	Brookline MA	05/26/1955
Karen Hasenfus	7 Gleason Ct.	Walpole, MA	09/29/1954
(Name)	(Address)		(Date of Birth)

Telephone number: (617) 522-6547 (617) 283-7265

Email Address: khasenfus@larzanderson.org feonapassley@hotmail.com

**This application must be accompanied by proof that the applicant has secured, and there is in effect during the period of time for which the permit is sought, a general liability policy naming the Town as the additional insured or if the general liability policy exempts alcohol related incidents or occurrences a liquor liability policy naming the Town as an additional insured.**

**By signing this application, the applicant absolves the Town and its officials, officers, employees, agents and representatives from all liability in connection with the applicant's use of Town property. By signing this application, the applicant agrees to indemnify the Town for any damage to the Town's personal and real property resulting from the applicant's use of Town property and agrees to indemnify the Town for any expenses the Town incurs in restoring Town property to its condition prior to use (in excess of any routine cleaning and maintenance service the Town would ordinarily have performed irrespective of the use.**



Signature

Karen H Hasenfus  
Name Printed

Operations and Events Manager  
Title (if on the behalf of an Organization)

15 Newton St. Brookline MA 02445  
Address

(617) 522-6547  
Telephone number(s)

khasenfus@larzanderson.org  
Email address(es)



CATEAFF-01

JCAPOZZI

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/22/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> License # 1992344 <b>Knapp, Schenck &amp; Company Insurance Agency</b> 1 India Street Suite 204 Boston, MA 02109		<b>CONTACT NAME:</b> Janet Capozzi <b>PHONE (A/C, No, Ext):</b> (617) 619-0236 <b>FAX (A/C, No):</b> (781) 767-2201 <b>E-MAIL ADDRESS:</b> jcapozzi@kscins.com	
<b>INSURED</b>  <b>The Catered Affair, Inc.</b> P. O. Box 432 Hingham, MA 02043		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A : Union Insurance Company</b>	
		<b>INSURER B : Acadia Insurance Company</b>	
		<b>INSURER C :</b>	
		<b>INSURER D :</b>	
		<b>INSURER E :</b>	
		<b>INSURER F :</b>	

## COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:			CPA5314461	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 LIQUOR LIABILITY \$ 1,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			MAA5314462	11/1/2021	11/1/2022	BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			CUA5314463	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 15,000,000 AGGREGATE \$ 15,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N <input checked="" type="checkbox"/> N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WCA5314464-13	11/1/2021	11/1/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

All coverage is subject to the policy terms, conditions, limits, limitations and exclusions.

Umbrella includes Liquor Liability

Terrorism included.

For an event to take place at the Larz Anderson Auto Museum on Tuesday, May 24, 2022.

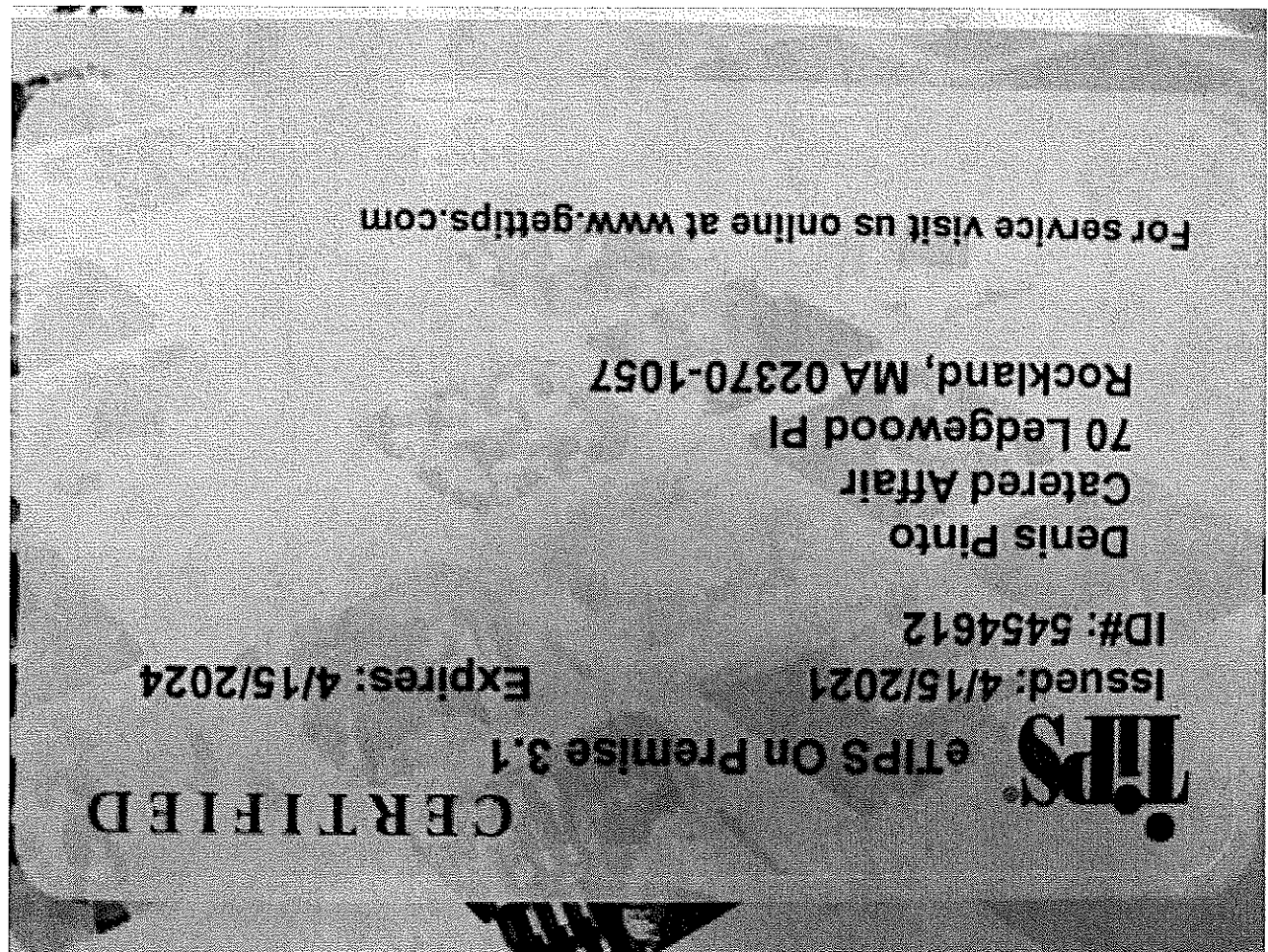
## CERTIFICATE HOLDER

## CANCELLATION

Town of Brookline  
 333 Washington Street  
 Brookline, MA 02446

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE





## BROOKLINE FIRE DEPARTMENT

*town of Brookline Massachusetts*

### FIRE DEPARTMENT HEADQUARTERS

John F. Sullivan  
Chief of Department  
Emergency Management Director

350 Washington Street  
PO Box 470557  
Brookline MA 02447-0557  
Tel: 617-730-2272  
Fax: 617-730-2391  
[www.brooklinema.gov](http://www.brooklinema.gov)

To: Select Board

From: John F. Sullivan, Fire Chief

Subject: Internal Promotions

Date: May 4, 2022

At the April 26th, 2022 meeting of the Select Board, in expectation of the retirement of Captain Shaun Fay, this body unanimously approved the Fire Department's request to promote two (2) anticipated vacant officer positions internally. After the approval, the Fire Department Administration reviewed the standings on the current civil service lists and conducted interviews of the requisite eligible candidates for promotion. Tonight, I respectfully ask the Select Board to promote the following two (2) individuals:

The eligible members to be promoted are

- Firefighter Andy Carvalho to Lieutenant
- Lieutenant Paul M. Canney to Captain

These members have proven to be valuable assets to our public safety community.

**Firefighter Andy Carvalho** joined the Brookline Fire Department in November of 2014, after having been laid off from the Fall River Fire department where he served admirably from 2010-2014. He is a 2010 graduate of the Massachusetts Fire Academy in Stow and was certified Firefighter I/II, Flammable Gas firefighting and Haz Mat Operations Level. He is a nationally registered EMT and has completed ICS 100, 200, 700, & 800. He has recently served for an extended timeframe as a Temporary Lieutenant and comported himself with distinction.

**Lieutenant Paul M. Canney** joined the Brookline Fire Department in November of 1999, and was promoted to the rank Lieutenant in March 2012. Lt. Canney is a 1996 graduate of Brookline High where he was a student/athlete serving as Chapter

## 6.A.

President of the Lambda Sigma National Honor Society. He holds a Bachelor's degree in Fire Science from Columbia Southern University. He also holds numerous fire and emergency service certifications including being a Massachusetts certified Emergency Medical Technician, ProBoard certifications as a Fighter I/II, Fire Officer I, and Fire Instructor I. Lt. Paul Canney is an excellent senior fire officer who brings over two-decades of invaluable experience to the cadre of Fire Captains.

There are no past or current outstanding disciplinary issue with any of these candidates and I am confident that each of these member's will prove invaluable in their new positions.

Sincerely,

A handwritten signature in black ink, appearing to read "John F. Sullivan", with a stylized flourish at the end.

John F. Sullivan, Fire Chief/EMD




## Brookline Contributory Retirement System

*Board Members*  
Gary Altman, Acting Chairman  
Jeana Franconi  
Michael F. DiPietro  
John Canney  
Rob Ward

*Staff*  
Frank Zecha, Director  
Maryruth Capite  
Deputy Director of Finance  
AnnMarie Ferry  
Administrative Assistant

### MEMORANDUM

TO: Chief John Sullivan

FROM: Maryruth Capite 

RE: Retirement Notification

DATE: April 19, 2022

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The Brookline Retirement System has received an application for a superannuation retirement from Mr. Shaun Fay of Brookline Fire Department, with an effective date of retirement of April 25, 2022 at 11:59 PM. His first retirement check will be June 30, 2022 retroactive back to his date of retirement.

CC: C. O'Connell  
K. Mascoll  
L. Scott  
A. Braga  
L. Noble  
K. Toleno  
L. Ogunkoya  
M. Slattery  
W. Tavico  
F. Zecha  
A. Ferry





# Town of Brookline

## *Massachusetts*

### Authorization To Hire Request Form

1. Position **TITLE**: \_\_\_\_\_ Grade: \_\_\_\_\_

2. Department: \_\_\_\_\_ Division: \_\_\_\_\_

3. Position Control #: \_\_\_\_\_ Prior Incumbent: \_\_\_\_\_

a. Reason for Leaving: \_\_\_\_\_

4. Budgetary Information:

Department Code: \_\_\_\_ Budget Code: \_\_\_\_\_ % \_\_\_\_\_

☐ Grant Funded-Name of Grant: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

6. Employment Type:

☐ Full-Time: # of hours/week: \_\_\_\_\_ ☐ Part-Time: # of hours/week: \_\_\_\_\_

☐ Permanent ☐ Temporary: expected end date (required) \_\_\_\_/\_\_\_\_/\_\_\_\_

7. Method of Fill:

☐ Promotion – To be Posted Internally from: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ New Hire ☐ Transfer – Please explain: \_\_\_\_\_

8. List the top three essential functions of this position:

1. \_\_\_\_\_

–

2. \_\_\_\_\_

–

3. \_\_\_\_\_

–

9. I have considered the following alternatives to filling this position:

---



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10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

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Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: (other than local papers)

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12. Please attach the current position description.

13. Signatures:

Department Head Signature: _____	Date: _____
Human Resources Director: _____	Date: _____
Town Administrator: _____	Date: _____

14. Approvals:

Date on BOS Agenda: _____	Date Approved: _____
---------------------------	----------------------

15. Notes:





# Town of Brookline

## Massachusetts

### Authorization To Hire Request Form

1. Position **TITLE**: \_\_\_\_\_ Grade: \_\_\_\_\_

2. Department: \_\_\_\_\_ Division: \_\_\_\_\_

3. Position Control #: \_\_\_\_\_ Prior Incumbent: \_\_\_\_\_

a. Reason for Leaving: \_\_\_\_\_

4. Budgetary Information:

Department Code: \_\_\_\_ Budget Code: \_\_\_\_\_ % \_\_\_\_\_

☐ Grant Funded-Name of Grant: \_\_\_\_\_ ☐ Revolving Fund ☐ Enterprise Fund

6. Employment Type:

☐ Full-Time: # of hours/week: \_\_\_\_\_ ☐ Part-Time: # of hours/week: \_\_\_\_\_

☐ Permanent ☐ Temporary: expected end date (required) \_\_\_\_/\_\_\_\_/\_\_\_\_

7. Method of Fill:

☐ Promotion – To be Posted Internally from: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

☐ New Hire ☐ Transfer – Please explain: \_\_\_\_\_

8. List the top three essential functions of this position:

1. \_\_\_\_\_

–

2. \_\_\_\_\_

–

3. \_\_\_\_\_

–

9. I have considered the following alternatives to filling this position:

\_\_\_\_\_  
\_\_\_\_\_

10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

\_\_\_\_\_  
\_\_\_\_\_

Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: (other than local papers)

---

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12. Please attach the current position description.

13. Signatures:

Department Head Signature: _____	Date: _____
Human Resources Director: _____	Date: _____
Town Administrator: _____	Date: _____

14. Approvals:

Date on BOS Agenda: _____	Date Approved: _____
---------------------------	----------------------

15. Notes:



## 8.A.

<u>Topic/Committee</u>	<u>SB Assignment</u>
Age Friendly Cities Committee	VanScoyoc
Audit Committee	Greene
Brookline Fiscal Advisory Committee	VanScoyoc
CDBG Advisory Committee	Greene
Commission on Disability	Aschkenasy
Council on Aging	VanScoyoc
DICR Commission	Aschkenasy
Electronic postings	VanScoyoc
Indigenous Peoples Celebration Committee	Vanscoyoc
Massport Citizens Advisory Committee	Hamilton
MLK Committee	Greene
Pierce School Building	Greene
Town-School Partnership Committee	Hamilton/Sandman
Lower Boylston Study Committee	VanScoyoc
Small Business Development Committee	Sandman
Cannabis Mitigation Advisory Committee	Sandman
Driscoll School Building Committee	Aschkenasy
Housing Advisory Board	Hamilton
Surveillance Committee	Greene
9/11 Committee	Greene
Ranked Choice Voting	Sandman
Town Administrator Search	Hamilton
Babcock Street	Sandman
CPA	Hamilton
BHA Collab	Sandman
ARPA Review	Aschkenasy/Sandman
Hamilton	5
Sandman	7
Greene	6
Vanscoyoc	6
Aschkenasy	4

8.A.

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9.A.



Ben Kaufman, Town Clerk

## Town of Brookline Massachusetts

Town Hall, 1<sup>st</sup> Floor  
333 Washington Street  
Brookline, MA 02445-6899  
(617) 730-2010 Fax (617) 730-2043

May 10, 2022

Heather Hamilton  
Chair, Brookline Select Board  
333 Washington Street  
Brookline, MA 02445

Chair Hamilton,

The Board of Registrars of Voters has been made aware of a potential recount of the May 3, 2022 Annual Town Election. If requested, the recount will take place on a date set by the Registrars between May 14 and May 23, 2022.

Out of an abundance of caution, the Board of Registrars of Voters are requesting the Select Board appoint a temporary Registrar who can serve as a back up in the event that a Registrar is unavailable during the recount due to travel, illness, or other issues.

This request is being made under the provisions of GL Chapter 51, Section 20, which states: *"If there is a vacancy in the board of registrars caused by death, resignation or retirement or if a member of the board of registrars is unable to perform the duties of his office, or is, at the time of any meeting of said board, absent from the city or town, the mayor or selectmen may, upon the request in writing of a majority of the remaining members of the board, appoint in writing some person to fill such vacancy temporarily, who is of the same political party as the member whose position he is appointed to fill. Such temporary registrar shall perform the duties and be subject to the requirements and penalties provided by law for a registrar of voters."*

The Registrars of Voters submit the name of Michael A. Hecht, a registered Brookline voter at 9 Park Vale, Unit 5, to be appointed as the temporary Registrar, in the event that a Democratic Registrar is unable to perform their duties during a recount of the May 3, 2022 Annual Town Election.

Respectfully,

Ben Kaufman  
Town Clerk  
Registrar of Voters, Ex-Officio

Peggy Maguire  
Registrar of Voters

## Temporary Registrar

Ben Kaufman <bkaufman@brooklinema.gov>

Tue 5/10/2022 12:05 PM

To: Devon Fields <dfields@brooklinema.gov>

Cc: Joe Callanan <jcallanan@brooklinema.gov>

📎 1 attachments (77 KB)

Temporary Registrar Request Letter.docx;

Devon,

Attached is the letter from the Registrars (Peggy will sign and I can send you the final one).

Below is the language of the vote from Town Counsel.

MOTION Under the authority of General Laws, Chapter 51, Section 20, to appoint temporarily Michael A. Hecht of 9 Park Vale, Unit 5, a temporary Registrar of Voters for any recount of any race from the May 3, 2022 Annual Town Election, to replace temporarily any Democratic Registrar who notifies the Town Clerk in writing that they are unable to perform their duties during said recounts or they will be, at the time of any said recounts, absent from the Town.

Thanks for all of your help!

Best,

Ben Kaufman

**Ben Kaufman**

*Town Clerk*



**Town of Brookline | Town Clerk's Office**

333 Washington Street, 1st FL - Rm 104

Brookline, MA 02445-6853

☎: (617) 730-2010 | 📠: (617) 730-2043

# 10.A.

## Fleet electrification [ Brookline FY'23 Budget — Summary by ZEAB 5/10/22 ]

Adjustments proposed by Zero Emissions Advisory Board

**Budgeted Items**, combining General Fund Capital Outlay (budget book § 2F, p. 11) and Budgeted Capital Line Items by Department (<https://stories.opengov.com/98676vN3Z/published/undefined>) (<https://stories.opengov.com> )

	<i>Budgeted amount</i>	<i>Original item</i>	<i>ZEAB Proposal</i>	<i>Dept. Head status</i>
<b>Police Dept.</b>	<b>(5A0001) \$300,122</b>	<b>6 vehicles</b>	<b>6 EVs</b>	<b>Demo lined up</b>
<b>Fire Dept.</b>	<b>(5A0001) \$ 49,500</b>	<b>1 Ford F-150</b>	<b>1 EV</b>	<b>Yet to meet</b>
<b>Building Dept.</b>	<b>(5A0001) \$ 89,500</b>	<b>2 vehicles</b>	<b>2 EVs</b>	<b>Agreed</b>

DPW

<b>Engineering</b>	<b>(5A00??) \$ 29,000</b>	<b>Chevrolet Colorado</b>	<b>2 EVs</b>	<b>Agreed</b>
Sanitation	(5A0018) \$ 41,419	20 CY ...Packer	n.c.	n.c.
	(5A0001) \$ 42,917	Chevrolet 3500	n.c.	n.c.
Highway	(5A0018) \$ 92,700	Street Sweeper	n.c.	n.c.
	(5A0001) \$ 94,419	GMC W642 Cab+	n.c.	n.c.
	(5A0018) \$106,433	L120 Volvo Loader	n.c.	n.c.
	<b>(5A0025) \$ 50,000</b>	<b>NEW to this proposal</b>	<b>EVSE</b>	<b>source TBD</b>

Parks and Open Space

(5A0018) \$ 16,568	Chevrolet 5500 Dump Truck	n.c.	n.c.
(5A0010) \$ 58,000	4WD Pickup Truck w/ plow	n.c.	n.c.
(5A0018) \$ 33,303	Chevrolet 5500 Dump Truck	n.c.	n.c.

### Enterprise/Revolving Funds Capital Outlay

Water

(5A0018) \$ 37,000	Six Wheel Dump Truck	n.c.	n.c.
(5A0018) \$ 42,000	65,000 GVW Crane Truck	n.c.	n.c.
<b>(5A0001) \$ 46,000</b>	<b>Ford Explorer Limited 4WD</b>	<b>1 EV</b>	<b>Agreed</b>
(5A0018) \$ 31,000	Chevrolet 6500 dump truck	n.c.	n.c.
(5A0010) \$ 50,000	Chevrolet C5550 Crew	n.c.	n.c.
(5A0010) \$ 36,000	1 Ton 4WD Cab +	n.c.	n.c.

Sewer	(5A0010) \$ 44,800	4WD Pickup Truck w/Plow	n.c.	n.c.
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EV — fully electric vehicle (does not include hybrid vehicles or plug-in hybrid vehicles)

n.c. — no change from original budget

EVSE — Electric Vehicle Supply Equipment (charging station(s))

ARTICLE x

22 MAR 10 AM 8:26

THIRD ARTICLE

Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Select Board, to enter into Compensating Balance Agreement(s) for FY2023 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

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PETITIONER'S ARTICLE DESCRIPTION

This article authorizes the Town Treasurer to enter into Compensating Balance Agreements, which are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

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ARTICLE 24TWENTY-FOURTH ARTICLE

Submitted by: Clint Richmond TMM6, Claire Stampfer, Susan Helms Daley TMM1,  
Andrew Fischer TMM13

To see if the Town will amend the General Bylaws by adding the following Article:

## ARTICLE 8.X ARTIFICIAL TURF SURFACES

## ARTICLE 8.X.1 DEFINITIONS

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpet-like materials made to resemble natural grass used as a surface for athletics, sports or other recreational activities.

"Targeted PFAS testing" uses EPA approved Methods such as 533, 537.1 and others that are appropriate to solid materials to detect specific PFAS (Per- and polyfluoroalkyl substances).

"Total organic fluorine test" refers to any test that measures total fluorine such as Total Organic Fluorine (TOF) Assay.

## ARTICLE 8.X.2 RESTRICTIONS

(a) The Town of Brookline shall neither install nor authorize or allow the installation of synthetic/artificial turf on any property owned by the Town, for a period of three years from the effective date of this moratorium. This moratorium shall not apply to the maintenance or replacement of any synthetic/artificial turf field that has been installed and is existing prior to the adoption of this bylaw amendment.

(b) Beginning June 1, 2025, any new or replacement artificial turf field on Town property must be free of organic fluorine as attested by the supplier, and determined by total organic fluorine test and targeted PFAS testing conducted by an independent laboratory acceptable to the Town of Brookline.

## ARTICLE 8.X.3 SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

or act on anything relative thereto.

---

PETITIONER'S ARTICLE DESCRIPTION

There is a legitimate need for more athletic fields and the ability to extend the use time for the existing fields, which are too often not available due to too much or too little rain or the “rest” time necessary for natural grass to stay healthy. Given the lack of available space for new parks, there is a Town plan to install plastic turf in place of natural grass.

Artificial turf was commercialized in the late 1960s. Turf only recently arrived in Brookline. The first field was at Downes in 2006 largely funded by two major outside grants from professional football interests. Today, the Town has 6.75 acres of grass that have been converted to plastic artificial turf, while private schools and universities have additional ones that the Town can use. Brookline Town Meeting voted down an artificial field at Cypress Field in May 2018, which was before we learned about PFAS. And now a small field is being proposed for Driscoll. This background is why this by-law is needed.

We have only recently started to learn the full hazards of plastic turf. The hazards of turf can be divided as follows:

1. Human health issues:
  - The known toxicity of the various synthetic chemicals used in these artificial systems. PFAS has been found in nearly all fields tested, particularly in the blades including fluorinated co-polymers. The lab report from the manufacturer showed one PFAS in the blades of the new Downes field. Testing at Martha's Vineyard also found PFAS in the samples for the shock pad and the adhesive used to seal the seams between pieces of turf carpet.<sup>1</sup> There are at least 900 known plastic additives and 5% of them are PFAS or similarly hazardous chemicals. Turf plastics also often contains toxic heavy metal fillers such as lead, chromium, and cadmium. Turf blades come in direct contact with field users, such as soccer goalies, and particles can adhere to players.
  - Turf fields can be so hot that they can even cause skin burns and heat-related illness.<sup>2</sup>
2. Environmental concerns. These include:
  - Carbon emissions that result from the manufacture of fossil-fuel based plastics and additives.

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<sup>1</sup> Synthetic Turf Laboratory Testing and Analysis Summary Report  
Martha's Vineyard Regional High School Athletic Fields Project (DRI 352-M4) Oak Bluffs Massachusetts.  
[https://www.mvcommission.org/sites/default/files/docs/2021-02-26%20%28TurfAnalysisReport\\_FINAL%29.pdf](https://www.mvcommission.org/sites/default/files/docs/2021-02-26%20%28TurfAnalysisReport_FINAL%29.pdf)

<sup>2</sup> TURI, Athletic Playing Fields: Choosing Safer Options for Health and the Environment,

- Turf creates heat islands. Natural grass is cooling, while turf is 37° hotter than asphalt. Synthetic turf also can stress nearby vegetation with dryness and heat
  - Runoff of water, both by replacing natural drainage with the equivalent of paved surfaces that require drainage systems. The run-off from the turf can contain turf chemicals and particles which are passed on to plants and animals and, ultimately the human food chain.
3. Solid Waste - each full-size field generates over 100 tons of waste at the time of disposal. The waste is landfilled or incinerated, because it cannot be recycled, which generates further environmental hazards from landfill runoff or incinerator products.
  4. Injuries to athletes. This is such a serious risk that the National Football League Players Association has called for the elimination of all plastic turf fields, both practice fields and game fields due to elevated injuries.<sup>3</sup>

The US EPA tracks over twelve thousand PFAS compounds. EPA's analytical Method 537 only tests 14 of them (or 18 depending on the version), which is less than 0.2% of the possible total. So there can be no assurance about the presence of PFAS in turf that relies on this limited method, which is why this by-law also requires total organic fluorine testing.

Environmental groups such as NRDC and Earthjustice often suggest "no safe level of exposure to PFAS". We should not be exposing our vulnerable schoolchildren to PFAS and other toxic chemicals, nor adding them to the environment via artificial turf. When turf is at school playgrounds such as Ridley or as proposed at Driscoll, there is no way for the students to fully opt out of this exposure, which is unfair.

Economic costs are also not favorable. Plastic turf has a high initial capital cost, a short lifetime on the order of ten years, and high maintenance costs.

There is no state or Federal comprehensive environmental regulation of plastic turf. Chemicals in infill are just one piece of the picture. Crumb rubber made from recycled tires, also referred to as **tire crumb** or as styrene butadiene rubber (SBR), is present in a large number of artificial turf fields. Some of the chemicals found in tire crumb are endocrine disrupters (e.g., phthalate esters); some are known or suspected carcinogens (e.g., arsenic, cadmium, benzene, styrene); and some are associated with other human health effects.<sup>4</sup> Three out of the four Town artificial fields were originally installed with highly toxic crumb rubber, and one of those has since been replaced with a corknut infill (cork and nut shells). The Department of Public Works has committed to organic infill since 2019.

<sup>3</sup> See <https://nflpa.com/posts/only-natural-grass-can-level-the-nfls-playing-field>

<sup>4</sup> See Turf Report Dec., 2018, Toxic Use Reduction Institute (TURI), University of Mass. Lowell [https://www.turi.org/var/plain\\_site/storage/original/application/b9727dedf5860ae7e83e3226d058b7ee.pdf](https://www.turi.org/var/plain_site/storage/original/application/b9727dedf5860ae7e83e3226d058b7ee.pdf)

May 24, 2022 Annual Town Meeting

24-4

The justification for plastic turf fields is that they allow greater playing time with less maintenance. However the town has not assessed the true costs of plastic turf, including both the health and environmental costs and the real economic costs compared to viable organic alternatives. The Toxic Use Reduction Institute at UMass Lowell has developed a program of organic maintenance, without using toxic fertilizers, that has proven effective in maintaining healthy natural grass athletic fields in communities as diverse as Marblehead, Martha's Vineyard, Springfield, Natick, Newton, Wellesley and Lowell.<sup>5</sup>

Our neighbors in Wayland and Concord have imposed three-year moratoria on plastic turf on town property. Concord renewed its moratorium in 2019 and is the process of renewing again in 2022. A three-year moratorium will allow us to assess, balance and compare the cost, risks and benefits of plastic turf versus a proper organic maintenance system. Before committing town funds and town open space to being covered with an artificial chemical surface, we owe our children and our environment a fair and open cost benefit analysis of what we are doing.

The Climate Justice Committee of First Parish in Brookline, and the Massachusetts Sierra Club have already endorsed this warrant article with other organizations expected to follow.

---

### **MOTION OFFERED BY THE PETITIONERS**

MOVED: That the Town will amend the General Bylaws by adding the following Article:

#### **ARTICLE 8.X ARTIFICIAL TURF SURFACES**

##### **ARTICLE 8.X.1 DEFINITIONS**

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpet-like materials made to resemble natural grass used as a surface for athletics, sports or other recreational activities.

"Targeted PFAS testing" uses EPA approved Methods such as 533, 537.1 and others that are appropriate to solid materials to detect specific PFAS (Per- and polyfluoroalkyl substances).

"Total organic fluorine test" refers to any test that measures total fluorine such as Total Organic Fluorine (TOF) Assay.

##### **ARTICLE 8.X.2 RESTRICTIONS**

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<sup>5</sup> See [https://www.turi.org/Our Work/Community/Organic Grass Care](https://www.turi.org/Our_Work/Community/Organic_Grass_Care)



(a) The Town of Brookline shall neither install nor authorize or allow the installation of synthetic/artificial turf on any property owned by the Town, for a period of three years from the effective date of this moratorium. This moratorium shall not apply to the maintenance or replacement of any synthetic/artificial turf field that has been installed and is existing prior to the adoption of this bylaw amendment.

(b) Beginning June 1, 2025, any new ~~or replacement~~ artificial turf field on Town property must be free of organic fluorine as attested by the supplier, and determined by total organic fluorine test and targeted PFAS testing conducted by an independent laboratory acceptable to the Town of Brookline.

(c) Beginning June 1, 2030, any replacement artificial turf field on Town property must be free of organic fluorine as attested by the supplier, and determined by total organic fluorine test and targeted PFAS testing conducted by an independent laboratory acceptable to the Town of Brookline.

#### ARTICLE 8.X.3

#### SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

### **PARK AND RECREATION STATEMENT**

On April 26, 2022 the Park and Recreation Commission voted 6 – 1, No Action on Article 24. Voting in favor of No Action were J. Bain, N. O'Connor, W. Sheridan Ames, C. Batchelor, T. Mooney and J. Pan. Voting against was A. Bellalta.

The Park and Recreation Commission has strong opposition to a moratorium on installing synthetic turf in Brookline. Based on current information and information outlined in the Athletic Fields Needs Assessment and Master Plan, the Commission feels that the strategic placement of synthetic turf fields in town should be part of how we work to meet the overwhelming demands for our limited athletic fields. There is an increase in the overall desire to be outside and recreating. There is an increase in both adult and youth users. There is an increase in the school population that relies on these fields for physical education, recess, and after-school play.

Currently there is no plan for a new synthetic turf playing field for the next 6 or more years in the Department of Public Works – Park and Open Space Division's Capital Improvement Plan. The synthetic fields that we do have are incredibly important to many residents in town as well as the programming needs. The commission strongly favors studying all of the information that is available in order to make a sound decision.

### **SCHOOL COMMITTEE STATEMENT**

On April 7, 2022, the School Committee voted 3-4-2 on whether to recommend passage of WA24. Voting in favor were Ms. Federspiel, Ms. Monopoli, and Ms. Nobrega. Voting

May 24, 2022 Annual Town Meeting

24-6

opposed were Ms. Charlupski, Ms. Ditkoff, Ms. Frias, and Dr. Liu. Dr. Ehrenberg and Mr. Pearlman abstained.

The School Committee was divided on whether to support a moratorium on installing new artificial turf surfaces. Multiple School Committee members expressed concern for the toxicity of synthetic chemicals, such as PFAS, utilized in artificial turf surfaces, and the health risks that such chemicals could pose to students, the community, and the environment. Other concerns included the hotter surface temperatures of synthetic turf compared to natural grass, potential groundwater contamination, and the broader climate change impact from the manufacture of synthetic turf. On the other hand, some School Committee members noted that the science is not entirely clear yet as to the scope and severity of potential medical harm to individuals, and that artificial turf surfaces allow for greater playing time with less regular maintenance. Absent synthetic surfaces, children would not be able to play as much outside due to the tendency of natural grass to become water logged and/or erode into uneven dirt patches, thereby leading to field closures, a problem which would become further exacerbated by a moratorium on new artificial turf surfaces. Some School Committee members expressed concern about children's social-emotional well-being from less time outside on fields, and how it would be inequitable insofar as children from more affluent families could still play at non-town/school private fields not readily accessible to those of lower economic means. School Committee members acknowledged the difficulty of weighing these competing factors, however some emphasized that community processes at both the Ridley School and Driscoll School ultimately led to the decisions to install synthetic turf surfaces as a part of their new school designs. Some School Committee members were uncomfortable with taking a position on WA24 that could usurp, in the case of the new Driscoll School, existing plans, contracts, and timelines from an already completed process that selected artificial turf. Abstaining School Committee members felt that passage of WA 23 could inform on the risks of artificial turf prior to Fall Town Meeting, and before field surface installation at Driscoll School.

#### SELECT BOARD'S RECOMMENDATION

A report and recommendation will be included in the Supplement mailing.

-----

#### ADVISORY COMMITTEE'S RECOMMENDATION

For the full Advisory Committee report on Warrant Article 24, see the "master report" included with the report on Warrant Article 23.

#### **Recommendation:**

By a vote of 15-7-1 the Advisory Committee recommends **Referral** of Article 24 to the Task Force identified in Article 23, with the understanding that the maintenance and replacement of the artificial turf installed prior to the adoption of this resolution, including Skyline Park and Soule Recreation, may proceed.

## 11.A.

May 24, 2022 Annual Town Meeting

24-7

### **VOTED:**

To refer the subject matter of Article 24 to the Athletic Field Surface Task Force, appointed pursuant to Article 23 at the 2022 Annual Town Meeting, with the understanding that maintenance or replacement of synthetic/artificial turf that has been installed and is existing prior to the adoption of this resolution, including, but not limited to, the artificial turf fields at Skyline Park and at Soule Recreation, is permitted.

**XXX**

ARTICLE 8EIGHTH ARTICLE

Submitted by: Advisory Committee

To see if the Town will:

A.) Fiscal Year 2023 Budget

Appropriate the sums requested or proposed by the Select Board or by any other officer, board or committee, or any other sum or sums, for the fiscal year 2023 budget; without limiting the foregoing, appropriate the sums necessary for all town expenses, including the snow and ice budget, debt and interest, and operating expenses; fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with an option to purchase or installment purchase of equipment; appropriate to or from a stabilization fund as provided for in General Laws Chapter 40, Section 5B; appropriate CPA funds as provided in General Laws, Chapter 44, Section 44B; authorize the continuation of all revolving funds in accordance with General Laws, Chapter 44, Section 53E½ and all Enterprise Funds in accordance with General Laws, Chapter 44, Section 53F½; allocate available free cash; provide for a reserve fund; and establish the requirements for transfers among appropriations, interfund transfers, transfers for the purposes of salary adjustments, filling vacant positions and budgetary reporting.

B.) Fiscal Year 2023 Special Appropriations

Appropriate sums of money for the following special purposes:

1. Appropriate \$700,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for the replacement of Fire Engine #1.
2. Appropriate \$900,000, or any other sum, to be expended under the direction of the Police Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades/replacement of the Police and Fire Department's radio infrastructure.
3. Appropriate \$450,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board for Public Safety Building locker room improvements.
4. Appropriate \$560,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, traffic calming.
5. Appropriate \$472,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, bike access improvements.

## 12.A.

May 24, 2022 Annual Town Meeting

8-2

6. Appropriate \$188,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for parking meter technology upgrades.
7. Appropriate \$1,350,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for the upgrade of the Washington/Harvard/Kent/Davis traffic signal.
8. Appropriate \$50,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, for Accessible Pedestrian Signals.
9. Appropriate \$1,880,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of streets.
10. Appropriate \$353,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of sidewalks.
11. Appropriate \$700,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for design work related to the Washington Street Rehabilitation and Complete Streets Program.
12. Appropriate \$600,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for storm water improvements.
13. Appropriate \$2,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water system improvements.
14. Appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for wastewater system improvements.
15. Appropriate \$140,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades to the fuel system at the Netherlands Road facility.
16. Appropriate \$3,210,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the design and renovation of Skyline Park.

17. Appropriate \$2,800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the environmental restoration of Willow Pond.
18. Appropriate \$200,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the renovation of playground equipment, fields, and fencing.
19. Appropriate \$90,000, or any other sum, to be expended under the direction of the Commissioner of Public Works for the rehabilitation of Town and School grounds.
20. Appropriate \$300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board and the Tree Planting Committee, for the removal and replacement of trees.
21. Appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.
22. Appropriate \$340,000, or any other sum, to be expended under the direction of the School Committee, with any necessary contracts over \$100,000 to be approved by the School Committee, for replacement of the High School's public address system.
23. Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commissioner for underground tank removal.
24. Appropriate \$85,000, or any other sum, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.
25. Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for energy conservation projects in Town and School facilities.
26. Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for upgrades to energy management systems in Town and School facilities.
27. Appropriate \$650,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over \$100,000 to be approved by the Select Board and, with respect to School Buildings, by the School Committee, for building roof repairs to Town and School facilities.
28. Appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Board of Select Board and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.

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29. Appropriate \$1,827,048, or any other sum, to be expended under the direction of the School Superintendent, with any necessary contracts to be approved by the School Committee, for the expansion of classroom capacity in various schools.

### C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Select Board, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article, or act on anything relative thereto.

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### PETITIONER'S ARTICLE DESCRIPTION

This is the annual appropriations article for FY2023. Included in this omnibus budget article are operating budgets, special appropriations, enterprise funds, revolving funds, and conditions of appropriation. This is the culmination of work that officially began with the publication of the Town Administrator's Financial Plan on February 15<sup>th</sup>. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Select Board. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

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### SELECT BOARD'S RECOMMENDATION

The Select Board would like to thank the Town Administrator and his staff, the Advisory Committee, the School Superintendent and his staff, and the School Committee for all of their efforts and collaboration toward dealing with this FY2022 budget.

### ACTIONS SINCE THE RELEASE OF THE FINANCIAL PLAN

Since the Financial Plan was released on February 15<sup>th</sup>, there have been a number of changes made, and there remains a small difference between the Select Board and the Advisory Committee vote which the Board will address at their May 10<sup>th</sup> meeting.

The changes, were as follows:

With the completion of the bond sale, some adjustments are needed for the debt and interest portion of the budget. The favorable rate achieved on the debt exclusion project (Driscoll) also lowered the budget requirements by \$23,307, which also provides a corresponding adjustment to the revenue estimate for property taxes. There is no impact on the operating budget from these changes.

In addition to the debt service adjustments, additional revenue was identified to support FY23 needs. The Town is using the House Ways and Means budget adjustments to revise our state aid estimate for FY23. This will provide an additional \$214,607. We have also determined that Local Receipts could be increased \$287,880 primarily due to an improved outlook in the Medicaid reimbursement estimate.

As we have known for some time, decisions on ARPA are linked to decisions on the Town's FY 2023 budget. ARPA acknowledges the general revenue losses that municipalities experienced during COVID, and created a formula to allow cities and towns to use grant funding to offset local government expenses. In Brookline, the focus on use of this "Revenue Replacement" funding has been on the School Department's FY 2023 budget. A total of **\$3,000,000** of ARPA funding be allocated to meet the FY 2023 School Department's budget needs and **\$500,000** is allocated to the School Department with the express condition that it be used to meet school building maintenance expenditures as recommended by the Town's Buildings Division. The Board shares the Advisory Committee's concern about the use of one-time funds to support recurring costs, and looks forward to engaging with the Town/School Partnership on long-term solutions to the Town's structural gap.

In total \$502,487 of additional General Fund revenue was identified to support both the Town and Schools. Per the Town/School split \$300,921 was recommended for the School appropriation and \$201,566 is available for the Town. Based on outstanding collective bargaining negotiations, the Town Administrator initially recommended that the entire town share be allocated to the collective bargaining reserve. Based on the School Committee and Advisory Committee votes on the School allocation (\$19K less) and Town Allocation (funding for an additional Planning Department position) the table below describes what the Board will look to reconcile on May 10<sup>th</sup>.



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	SB vote*	AC motion
School Department	300,920	281,521
Collective Bargaining Reserve	201,566	135,047
Planning Department		70,608
Group Health		15,310
	<b>502,486</b>	<b>502,486</b>
* The Board will look to reconcile with the AC on 5/10		

### **BUDGET SUMMARY**

The General Fund budget proposed by the Select Board totals \$348 million, of which \$399 million is appropriated, reflecting an increase of \$15.3 million (4.7%). The remaining \$9.4 million is the so-called “Non-Appropriated” portion of the budget. In total, the \$348 million reflects a 4.2% increase. This budget recommendation includes a General Fund Operating Budget of \$329 million, which represents an increase of \$13.3 million (4.2%); revenue-financed capital of \$9.6 million; enterprise / revolving funds of \$38 million (gross); and non-appropriated expenses of \$9.4 million.

Property taxes are a stable source of municipal revenue in an otherwise unstable time. Proposition 2½ dictates the annual 2.5% in the property tax levy each year. The law allows additional taxes to be raised on new construction value (New Growth) and any tax overrides or exclusions authorized by Brookline’s voters. Overall, property tax revenue is projected to increase by 3.4% in FY 2023.

Despite the uncertainty of the economy, many local revenues have rebounded well from the early months of 2020. In particular, the municipal share of state excise taxes for meals and hotel rooms has increased by 13% over FY 2022. Licenses and permits related to business activity have grown, as have revenues from parking meters and parking fines. I am proud of the Town’s proactive and creative measures to keep our restaurant and food service industry open during the worst days of the pandemic. 2022 represents the year that state excise taxes from the sale of adult-use cannabis has exceeded taxes from alcohol sales. With Brookline becoming one of the first communities in eastern Massachusetts to license adult-use sales, marijuana excise tax revenue rose swiftly, with \$900,000 projected in annual revenue in FY 2023. That level has plateaued somewhat, based on impacts from COVID and with growing competition in the regional marketplace. The Town also receives a 3% host community fee that dedicates \$1 million for expenses related to the impacts from cannabis sales. In addition to allocating these funds for direct oversight, mitigation and enforcement activities within various operating budgets, the Town has aggressively used host community money to fund public health, racial equity and other initiatives. Realistically, the Town should plan for State law and regulations to limit the value of the HCA as this industry matures. If this happens, I am hopeful that the State will consider an increase to the 3% excise tax available to cities and towns from the overall state tax of 10.75%. Excise taxes are far greater in other states legalizing adult sales, including California (15%), Arizona (16%), and Oregon (17%). Newer taxation models from recent state legalization efforts have used alternative approaches that could prove useful to Massachusetts.

We are disappointed that the Governor’s proposed state budget for FY 2023 limits local aid to

municipalities during a time of favorable revenue growth. Despite state revenue growing annually by 24% as of January 2022 (and 7% over the FY 2022 state budget benchmark), the Governor is projecting state revenue growth in FY 2023 at 2.7%. This is the rate at which the Governor's budget proposes to increase general unrestricted aid to Brookline. Chapter 70 Education Aid is also projected to be limited to Brookline. The Governor's budget allocates the minimum \$30 per-pupil aid to Brookline in FY 2023. We were also surprised and disappointed to see the Town's assessment for MBTA operations increase by 9% over the prior year, wiping out the modest gains in state aid. At the time this document is being finalized, we are still unaware of the reason for this increase, although we suspect it may relate to Brookline's population growth in the 2020 Census. Many communities, along with the Massachusetts Municipal Association, are encouraging the Legislature to use more realistic revenue growth projections to support cities and towns.

The Town's fund balance from FY 2021 was healthy, part of a strategic plan to bolster reserves necessary to retain the Town's Aaa bond rating. The unreserved fund balance certified by the state is referred to as Free Cash, and this amount is used by the Town solely for reserves and capital expenditures. In FY 2023, a total of \$14.2 million in Free Cash has been certified. About \$6.1 million of this amount will be allocated to preserve fund balance while another \$6.8 million will fund the town's Capital Improvement Plan. The balance is then allocated to various operating and special reserve funds of the Town in accordance with formal fiscal policies. I am pleased to report that the Town is on track to increase its ratio of reserves to 10% of revenue, which is the accepted minimum rate for Aaa-rated communities.

The Town of Brookline is the recipient of an award of federal funding from the American Recovery Plan Act (ARPA) passed by Congress in March of 2021. The total award is \$43.9 million, \$32.4 of which is received directly from the federal government and \$11.5 which is passed through Norfolk County. The funding is paid over two years and must be expended no later than December 31, 2024. There are four categories of use for the funds; COVID-19 Expenditures, Revenue Replacement, Premium Pay for Essential Workers and Investments in Water/Sewer and Broadband. Funding from the ARP is separate from the normal budget and accounting systems of the Town. The grant is administered by the United States Treasury department with voluminous requirements for use and reporting of expenditures. Despite its independence from the normal budgeting system, use of these federal funds is inexorably linked to the Town's FY 2023 budget and future financial planning. Eligible expenses of the federal grant often overlap with expenses included in the Town's budget, creating funding flexibility. In addition, ARPA regulations allow a municipality to spend at least \$10 million of its grant for any purpose under the Revenue Replacement category use. To date, the Select Board has authorized the expenditure of \$1.8 million from the ARPA to fund direct COVID-related expenses. The purposes and timing of allocating the remaining funds will be integrated into the FY 2023 budget planning process. The Select Board has initiated a robust community engagement process led by the Brookline Community Foundation that will serve as the basis for this discussion. The temporary nature of this federal grant will force difficult decisions around the sustainability of programs and services it will fund. All expenditures must be evaluated for their ongoing impact upon the Town's budget, including options to transition funding when the federal dollars expire. We must also consider the availability of other federal programs when allocating both ARPA and municipal funds so that we can maximize the Town's financial benefit. For example, the new infrastructure bill passed by Congress could fund many capital projects of the Town currently included in the Town's Capital Improvement

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Plan or proposed to be funded by ARPA. Many other federal programs are funded through ARPA, including substantial funding to the Commonwealth of Massachusetts for specific program objectives. We must be vigilant about these other funding opportunities, which can have the effect of expanding the overall federal funding available to the Town.

The FY 2023 “New Normal” budget restores some, but not all, prior reductions in municipal departments needed to balance the last two budgets. In addition, a concerted effort is being made to enhance the funding available to reach collective bargaining agreements with Town unions and to establish competitive wages for management and non-union employees. In the initial FY 2022 Budget, no funding was made available for this purpose, given the constraints imposed by the COVID pandemic. As actual revenues played out, we allocated all of the supplemental revenue appropriated to municipal departments at the Special Town Meeting in November to the Collective Bargaining Reserve. We have allocated additional funding in FY 2023, and are hopeful that this will enable long-term agreements with our unions. Despite the limitations on the Town’s funding created by our structural gap, we were able to accomplish some modest investments in areas that are the focus of policy initiatives passed by Town Meeting. While much more attention will be focused in these areas during the ARPA process, we were able to make some movement in the FY 2023 Budget for the advancement of key policy priorities, including Sustainability, DEI, Historic Preservation, Traffic and Pedestrian Safety, Fire Prevention and Responsiveness.

Funding the Town’s liabilities for employee pensions and related health benefits (OPEB) continue to have an enormous impact on the discretion available within the operating budget. State and municipal employees in Massachusetts do not participate in Social Security (new members are eligible for Medicare), making the defined benefit state retirement plan the sole vehicle for retiree compensation. The funding of this pension system is a local obligation which was historically funded on a “pay as you go” basis. The Town is now following an actuarially approved plan to meet the unfunded liability of this obligation. This plan requires increased appropriations of nearly 7.85% annually until the plan reaches its fully-funded basis in 2030. At that time, the Town will shift this investment into the unfunded liability of its OPEB obligation, involving health insurance benefits for Town and School retirees and their survivors. The Town has been allocating the sum of \$250,000 annually to this obligation until such time as the funded plan will commence in 2031. This annual allocation was level-funded during the FY 2021 and 2022 budgets but the annual growth of \$250,000 has been restored for FY 2023.

The Town has funded capital expenditures for FY 2023 as part of a longer-term Capital Improvement Plan (CIP). Town financial policies require at least 7.5% of the prior year net revenue be allocated to the annual capital budget. This covers both the cost of pay as you go cash projects and the annual debt service on projects that were financed with municipal bonds. Over the last few years, our fund balance has allowed additional investment to meet a backlog of capital projects, especially related to school classroom expansion. In FY 2023, our overall investment in the capital budget represents 8.3% of prior year net revenue. The Town’s long-term capital improvement plan is addressed in more detail in Section VII of this Budget Message and discussed further in the Policy Issues section of this Introduction. The issue of the Town’s debt burden has been a subject of policy discussions, including concerns expressed by the Brookline Fiscal Advisory Committee (BFAC). While our financial policies dictate that the Town’s debt burden should never exceed 6% per capita, it was never anticipated that so

many large-scale capital projects such as school building replacement would be funded outside the Proposition 2½ property tax levy limit. As of FY 2023, debt financed within the tax levy is relatively low at 3%, but when added to \$350 million of “excluded” debt, this pushes the overall per capita costs to 11%. The current CIP, which assumes more large-scale projects being added to the mix, is unsustainable.

The FY 2023 Budget represents a transition to a New Normal. The New Normal comes with expectations that government will address societal issues exacerbated by the COVID pandemic and increase investments to advance important public policy priorities of the Brookline community. The New Normal does not care that local governments have not traditionally been responsible for emergency housing, food security, mental health and maintenance of public housing. The lack of funding and/or failure of programs by the federal and state government, have left local government as the last resort for residents of our community. The federal ARPA grant provides a unique and unprecedented opportunity to address many of these fundamental issues. However, with a structural gap in the Town’s budget that leaves a large shortfall for public education and other important public services or projects, the Town must develop a more strategic, long-term approach at meeting these needs once the federal dollars disappear. Use of periodic tax overrides and debt exclusions are essential tools for a residential community like Brookline in the Proposition 2½ era, but these must be carefully planned and communicated. The Town must always consider options to limit property tax increases, including use of locally generated revenue, expanding the commercial tax base, minimizing growth in ongoing expenditures and making more informed choices reflecting the community’s priorities.

### **CONCLUSION AND RECOMMENDATION**

The Board would once again like to thank the Town Administrator, his staff and all of the department heads in preparing this Budget. We continue to be grateful for the quality of the Financial Plan, as it provides an outstanding and useful document for the Select Board, Advisory Committee and Town Meeting, and creates transparency and confidence among the Town’s citizenry and other stakeholders. Our independent Auditor has publicly acknowledged the quality of this document and we are proud to announce that the Town was again awarded the Government Finance Officers Association’s (GFOA) award for Excellence in Budget Presentation for this past year.

We thank the Advisory Committee again for another excellent job on preparing and reviewing the Town’s budget. The amount of time the Advisory Committee spent on reviewing the Financial Plan is simply remarkable. The willingness of the Advisory Committee, School Committee, this Board, and, ultimately Town Meeting, to work collaboratively throughout the budget process is a major reason why this community has been able to avoid a number of problems that other communities have had to address.

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The Board recommends FAVORABLE ACTION by a vote of 4-0 taken on April 26, 2022 on the motion offered by the Advisory Committee with the following amendments to table 1:

TABLE 1 ADJUSTMENTS			
	AC MOTION	SELECT BOARD MOTION	VARIANCE
Item 9 - Planning & Community Development	1,382,091	1,311,483	-70,608
Item 21 - School Department	125,098,883	125,118,282	19,399
Item 23 b. - Group Health	34,799,370	34,784,060	-15,310
Item 20 – Collective Bargaining	3,151,633	3,218,152	66,519

**ROLL CALL VOTE:**

Aye:

Fernandez

Greene

Aschkenasy

VanScoyoc

Absent:

Hamilton

**TOWN OF BROOKLINE'S FISCAL POLICIES**  
**Adopted by the Board of Select Board on June 28, 2011**

**FREE CASH POLICIES**

Free Cash shall not be used for Operating Budget purposes. It shall be utilized in the following manner and order:

1. Appropriated Budget Reserve – an amount equivalent to 0.25% of the prior year's net revenue shall be appropriated as part of the Town's 1% Appropriated Budget Reserve Fund, as allowed for under MGL Chapter 40, Section 6 and as described in the Town's Reserve Policies.
2. Unreserved Fund Balance / Stabilization Fund – Free Cash shall be used to maintain an Unreserved Fund Balance plus Stabilization Fund in an amount equivalent to no less than 10% of revenue, as defined in the Town's Audited Financial Statements, with a goal of 12.5%, as described in the Town's Reserve Policies. If the Stabilization Fund were drawn down in the immediate prior fiscal year, then an allocation shall be made to the Fund in an amount at least equivalent to the draw down of the immediate prior fiscal year.
3. Liability / Catastrophe Fund – to the extent necessary, Free Cash shall be used to reach the funding target of the Town's Liability / Catastrophe Fund, as described in the Town's Reserve Policies.
4. Capital Improvement Program (CIP) – remaining Free Cash shall be dedicated to the CIP so that total CIP funding as a percent of the prior year's net revenue is not less than 7.5%, to the extent made possible by available levels of Free Cash.
5. Affordable Housing Trust Fund (AHTF) – in order to support the Town's efforts toward creating and maintaining affordable housing, 15% of remaining Free Cash shall be appropriated into the AHTF if the unreserved fund balance in the AHTF, as calculated in the Town's financial system, is less than \$5 million.
6. Special Use – remaining Free Cash may be used to augment the trust funds related to fringe benefits, unfunded liabilities related to employee benefits, including pensions and Other Post-Employment Benefits (OPEB's), and other one-time uses, including additional funding for the CIP and AHTF.

## **RESERVE POLICIES**

The establishment and maintenance of adequate financial reserves provide the Town of Brookline with financial flexibility and security and is recognized as an important factor considered by bond rating agencies, the underwriting community and other stakeholders. The Town shall maintain the following general, special, and strategic reserve funds:

- **Budget Reserve** – to respond to extraordinary and unforeseen financial obligations, an annual budget reserve shall be established under the provisions of MGL Chapter 40, Section 6. The funding level shall be an amount equivalent to 1% of the prior year's net revenue, maintained in the manner set out below. Any unexpended balance at the end of the fiscal year must go toward the calculation of free cash; no fund balance is maintained.
  - Funding from Property Tax Levy – an amount equivalent to 0.75% of the prior year's net revenue shall be allocated from the Property Tax levy to the Appropriated Budget Reserve.
  - Funding from Free Cash – an amount equivalent to 0.25% of the prior year's net revenue shall be allocated from Free Cash, per the Town's Free Cash Policies, to the Appropriated Budget Reserve.
- **Unreserved Fund Balance / Stabilization Fund** – the Town shall maintain an Unreserved Fund Balance plus Stabilization Fund in an amount equivalent to no less than 10% of revenue, as defined in the Town's Audited Financial Statements, with a goal of 12.5%. If the balance falls below 10% at the end of the fiscal year, then Free Cash shall be used to bring the amount up to 10%, as described in the Free Cash Policy, as part of the ensuing fiscal year's budget. The Stabilization Fund shall be established under the provisions of MGL Chapter 40, Section 5B.
  1. The Stabilization Fund may only be used under the following circumstances:
    - a. to fund capital projects, on a pay-as-you-go basis, when available Free Cash drops below \$2 million in any year; and/or
    - b. to support the operating budget when Net Revenue, as defined in the CIP policies, increases less than 3% from the prior fiscal year.
  2. The level of use of the Stabilization Fund shall be limited to the following:
    - a. when funding capital projects, on a pay-as-you-go basis under #1a. above, no more than \$1 million may be drawn down from the fund in any fiscal year. The maximum draw down over any three year period shall not exceed \$2.5 million.
    - b. when supporting the operating budget under #1b. above, the amount drawn down from the fund shall be equal to the amount necessary to bring the year-over-year increase in the Town's prior year net revenue to 3%, or \$1 million, whichever is less. The maximum draw down over any three year period shall not exceed \$2.5 million.

3. In order to replenish the Stabilization Fund if used, in the year immediately following any draw down, an amount at least equivalent to the draw down shall be deposited into the fund. Said funding shall come from Free Cash.
- **Liability / Catastrophe Fund** – established by Chapter 66 of the Acts of 1998, and amended by Chapter 137 of the Acts of 2001, this fund shall be maintained in order to protect the community against major facility disaster and/or a substantial negative financial impact of litigation. The uses of and procedures for accessing the fund are described in the above referenced special act. The target fund balance is 1% of the prior year's net revenue and funding shall come from available Free Cash and other one-time revenues.
  - **Overlay Reserve** – established per the requirements of MGL Chapter 59, Section 25, the Overlay is used as a reserve, under the direction of the Board of Assessors, to fund property tax exemptions and abatements resulting from adjustments in valuation. The Board of Select Board shall, at the conclusion of each fiscal year, require the Board of Assessors to submit an update of the Overlay reserve for each fiscal year, including, but not limited to, the current balances, amounts of potential abatements, and any transfers between accounts. If the balance of any fiscal year overlay exceeds the amount of potential abatements, the Board of Select Board may request the Board of Assessors to declare those balances surplus, for use in the Town's Capital Improvement Plan (CIP) or for any other one-time expense.

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## **CAPITAL IMPROVEMENT PROGRAM (CIP) POLICIES**

Planning, budgeting and financing for the replacement, repair and acquisition of capital assets is a critical component of the Town of Brookline's financial system. Prudent planning and funding of its capital infrastructure ensures that the Town can continue to provide quality public services in a financially sound manner. The development of a Capital Improvement Program (CIP) is the mechanism that the Town uses to identify projects, prioritize funding and create a long-term financial plan that can be achieved within the limitations of the Town's budget.

### **Definition of a CIP Project**

A capital improvement project is any project that improves or adds to the Town's infrastructure, has a substantial useful life, and costs \$25,000 or more, regardless of funding source. Examples of capital projects include the following:

- . Construction of new buildings
- . Major renovation of or additions to existing buildings
- . Land acquisition or major land improvements
- . Street reconstruction and resurfacing



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- . Sanitary sewer and storm drain construction and rehabilitation
- . Water system construction and rehabilitation
- . Major equipment acquisition and refurbishment
- . Planning, feasibility studies, and design for potential capital projects

### **Evaluation of CIP Projects**

The capital improvement program shall include those projects that will preserve and provide, in the most efficient manner, the infrastructure necessary to achieve the highest level of public services and quality of life possible within the available financial resources.

Only those projects that have gone through the CIP review process shall be included in the CIP. The CIP shall be developed in concert with the operating budget and shall be in conformance with the Board's CIP financing policy. No project, regardless of the funding source, shall be included in the CIP unless it meets an identified capital need of the Town and is in conformance with this policy.

Capital improvement projects shall be thoroughly evaluated and prioritized using the criteria set forth below. Priority will be given to projects that preserve essential infrastructure. Expansion of the capital plan (buildings, facilities, and equipment) must be necessary to meet a critical service. Consideration shall be given to the distributional effects of a project and the qualitative impact on services, as well as the level of disruption and inconvenience.

The evaluation criteria shall include the following:

- Eliminates a proven or obvious hazard to public health and safety
- Required by legislation or action of other governmental jurisdictions
- Supports adopted plans, goals, objectives, and policies
- Reduces or stabilizes operating costs
- Prolongs the functional life of a capital asset of the Town by five years or more
- Replaces a clearly obsolete facility or maintains and makes better use of an existing facility
- Prevents a substantial reduction in an existing standard of service
- Directly benefits the Town's economic base by increasing property values
- Provides new programs having social, cultural, historic, environmental, economic, or aesthetic value
- Utilizes outside financing sources such as grants

### **CIP Financing Policies**

An important commitment is to providing the funds necessary to fully address the Town's capital improvement needs in a fiscally prudent manner. It is recognized that a balance must be maintained between operating and capital budgets so as to meet the needs of both to the maximum extent possible.

For the purposes of these policies, the following definitions apply:

- Net Operating Revenue - Gross revenues, less net debt exclusion funds, enterprise (self-supporting) operations funds, free cash, grants, transfers from other non-recurring non-general funds, and non-appropriated costs.
- Net Direct Debt (and Debt Service) - Gross costs from local debt, less Prop 2 1/2 debt exclusion amounts and amounts from enterprise operations.
- Net Tax-Financed CIP - Gross amount of appropriations for capital improvements from current revenues, less amounts for enterprise operations, grants, free cash, transfers, and non-recurring special revenue funds.

The capital improvements program shall be prepared and financed in accordance with the following policies:

#### OUTSIDE FUNDING

State and/or federal grant funding shall be pursued and used to finance the capital budget wherever possible.

#### ENTERPRISE OPERATIONS - SELF SUPPORTING

Capital projects for enterprise operations shall be financed from enterprise revenues solely.

#### CIP BUDGET ALLOCATIONS - 6% OF NET REVENUES

Total net direct debt service and net tax-financed CIP shall be maintained at a level equivalent to 6% of prior year net operating revenues.

- TAX FINANCED ALLOCATION - 1.5% OF NET REVENUES  
Net tax-financed capital expenditures shall be maintained at a target level equivalent to 1.5% of prior year net operating revenues.
- DEBT-FINANCED ALLOCATION - 4.5% OF NET REVENUES  
Net direct debt service shall be maintained at a target equivalent to 4.5% of prior year net operating revenues.

#### DEBT MANAGEMENT POLICIES

Debt financing of capital projects shall be utilized in accordance with the following policies:

- Debt financing for projects supported by General Fund revenue shall be reserved for capital projects and expenditures which either cost in excess of \$250,000 or have an anticipated life span of five years or more, or are expected to prolong the useful life of a capital asset by five years or more. For projects supported by Enterprise Fund revenue, debt financing shall be reserved for capital projects and expenditures that cost in excess of \$100,000.
- Bond maturities shall not exceed the anticipated useful life of the capital project being financed. Except for major buildings and water and sewer

projects, bond maturities shall be limited to no more than ten years.

- Bond maturities shall be maintained so that at least 60% of the outstanding net direct debt (principal) shall mature within 10 years.
- Total outstanding general obligation debt shall not exceed 2.5% of the total assessed value of property.
- Total outstanding general obligation debt per capita shall not exceed \$2,385, which reflects \$2,000 inflated annually since July 1, 2004. This amount shall continue to be adjusted annually by the consumer price index (CPI) for all urban consumers (northeast region all items).
- Total outstanding general obligation debt per capita shall not exceed 6% of per capita income, as defined by the Census Bureau of the U.S. Department of Commerce.

#### FREE CASH

After using free cash in accordance with the Town's free cash policy, available free cash shall be used to supplement the CIP so that total CIP funding as a percent of the prior year's net revenue is not less than 7.5%, to the extent made possible by levels of available free cash.

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### **UNFUNDED LIABILITIES POLICY**

Defined as “the actuarial calculation of the value of future benefits payable less the net assets of the fund at a given balance date”, unfunded liabilities represent a significant financial obligation for all levels of government across the country. In Brookline and other Massachusetts municipalities, the two primary unfunded liabilities are for Pensions and Other Post-Employment Benefits (OPEB's).

- Pensions – the Contributory Retirement System is a defined benefit program that is governed by Massachusetts General Laws, Ch. 32 and is regulated by the Public Employee Retirement Administration Commission (PERAC), a State entity responsible for the oversight, guidance, monitoring, and regulation of Massachusetts' 105 public pension systems. Funding for this system covers the costs of employees who are part of the Town's retirement system, which does not include teachers, as their pensions are funded by the State.

In accordance with State law, PERAC regulations and government accounting standards, the Town contracts for an actuarial valuation of the retirement system to quantify the unfunded liability on a biennial basis. Under current State law, the Town then establishes a funding schedule to fully-fund this liability by 2040. The Town shall continue to fund this liability in the most fiscally prudent manner, recognizing the fact

that the adoption of a funding schedule is, by law, the responsibility of the local retirement board.

- OPEB's – these consist primarily of the costs associated with providing health insurance for retirees and their spouses. The Government Accounting Standards Board (GASB) issued Statements No. 43 and No. 45 in 2004 to address the OPEB issue. GASB 43 required the accrual of liabilities of OPEB generally over the working career of plan members rather than the recognition of pay-as-you-go contributions, while GASB 45 required the accrual of the OPEB expense over the same period of time. The reporting requirements of GASB 43 and 45 include disclosures and schedules providing actuarially determined values related to the funded status of the OPEB. This requires that the accrued liabilities be determined by a qualified actuary using acceptable actuarial methods.

While there is currently no legal requirement to fund OPEB's, the Town shall continue to follow its plan to move toward fully-funding the Annual Required Contribution (ARC), ultimately developing a funding schedule that fully-funds OPEB's according to a schedule similar to the pension funding schedule. This plan should continue to include annual increases in the portion of the appropriation supported by General Fund revenues. It should also include using the "run-off" from the pension system once that system is fully-funded. In order to determine the funding schedule, the Town shall continue its current practice of having an independent actuary prepare biennial valuations, which is in compliance with GASB's requirement.

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### SCHOOL COMMITTEE STATEMENT

On April 27, 2022, the School Committee voted 8-0-1 to recommend passage of WA8. Voting in favor were Ms. Federspiel, Mr. Pearlman, Ms. Charlupski, Dr. Ehrenberg, Ms. Frias, Dr. Liu, Ms. Monopoli, and Ms. Nobrega. Ms. Ditzkoff abstained.

The School Committee is supportive of the budget allocation as recommended by Town Staff which fully funds the PSB budget request, and which was voted favorably by the Select Board on April 26, 2022, and is grateful to the Town for its support of public education.

The School Committee is grateful to the PSB staff who have prepared and presented the FY23 PSB budget. FY23 budget documents and associated presentations are available at [www.brookline.k12.ma.us/budget](http://www.brookline.k12.ma.us/budget).

Because the budget materials can be complex, and in keeping with previous practice, PSB will provide an executive summary to Town Meeting Members in advance of Town Meeting.

### ADVISORY COMMITTEE'S RECOMMENDATION

**Recommendation:** FAVORABLE ACTION on Warrant Article 8 as amended by a vote of 23-0-0. (The budget increased from the original proposal in the warrant due to additional revenue.)

The Advisory Committee has reviewed the proposed appropriations for FY2023 and is pleased to present this report to Town Meeting. Since February of 2022, the Committee and its subcommittees have conducted well-attended public hearings with the Town's department heads and the leadership of the Public Schools of Brookline. By a vote of 23-0-0 the Advisory Committee recommends FAVORABLE ACTION on the FY2023 budget. The full motion follows this report.

We thank all of the people who assisted in this year's process, including (but not limited to) the Select Board, Town Administrator, Deputy Town Administrator, Assistant Town Administrator, the Administrative Services Director, School Committee, and Town department heads. Particular thanks are extended to Deputy Town Administrator Melissa Goff and Assistant Town Administrator Justin Casanova-Davis for their time and patience in explaining the intricacies of municipal finance and their willingness to answer the Committee's many questions. Special thanks should be given to all of the citizens of Brookline who volunteer their time and effort to serve on committees or attend the countless hearings and meetings which are necessary for this planning.

### DISCUSSION

The FY2023 main budget motion is \$348,450,307. Written as a single figure, this is an almost incomprehensible number; this report attempts to deconstruct it into bite-sized chunks. Before diving in, let's consider the overall picture. As the Town Administrator indicated in his annual budget message, the COVID pandemic continues to inject some uncertainty into the Town's finances, affecting both projected revenue and expenses. This has been particularly visible in the planning for the School budget because the range of projected enrollment outcomes has been quite large. At the start of the pandemic there was a

significant drop in enrollment due to the pandemic. The long term impact on enrollment is uncertain and the School department must plan for a range of outcomes.

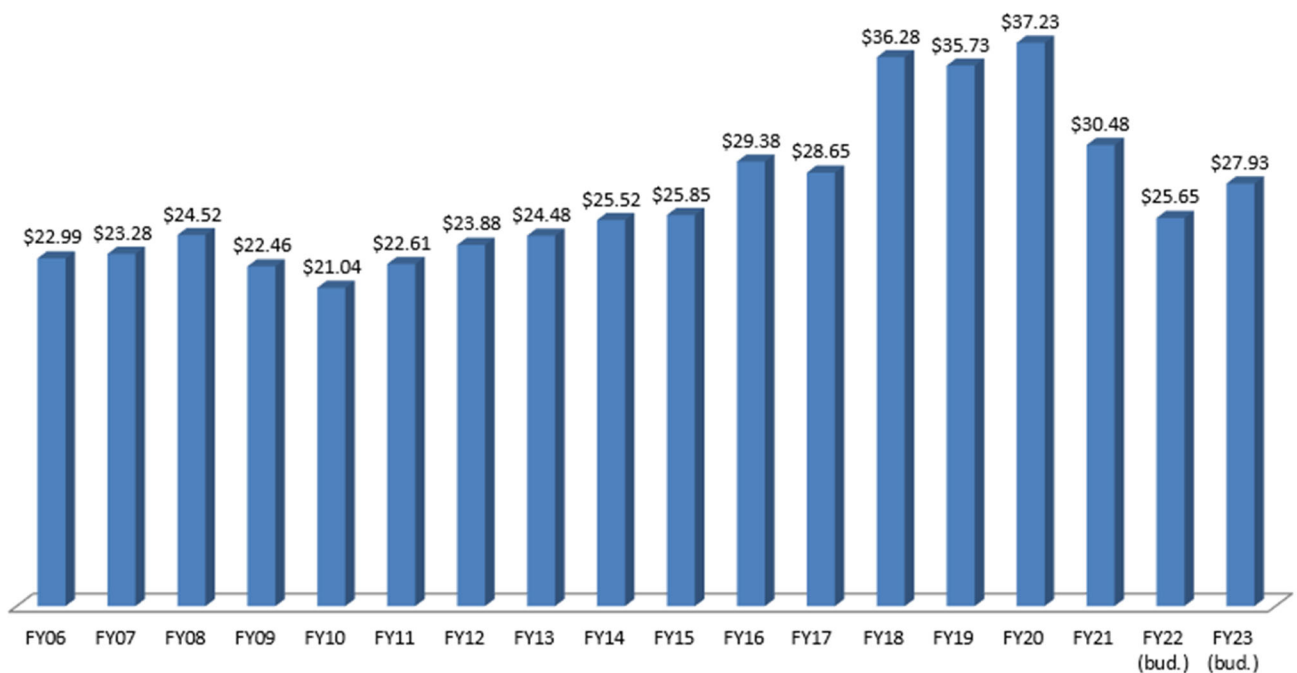
The FY2023 budget restores many departmental budgets to pre-pandemic levels. However, as has been true in recent years, the overall growth in revenues continues to lag the growth in the Town's fixed costs, which constrains department budgets to remain effectively flat; there are limited new investments or services to be found in this overall budget. You often hear this referred to as a "structural deficit" and there will be more to say on this topic below. An infusion of relief funds from the American Rescue Plan Act (ARPA) has helped bridge this deficit for FY2023; as we shall see the outlook for future years is less sanguine.

Town staff should be commended for making all of this budget data available in interactive form online, and we recommend that all of you take the opportunity to explore it in detail. (Start on the Town's home page at <https://brooklinema.gov/> and follow the navigation links to "Budget Central.")

### ***Revenues***

We project an approximately 10% increase in local receipts from FY2022, which is healthy, but leaves the Town \$1M short of what was collected in local receipts as far back as FY2016 (and which represents a \$10M shortfall from the peak in FY2020). Receipts appear to be rebounding and we can hope that as the pandemic wanes our local receipts will follow the pre-pandemic trend.

**LOCAL RECEIPT HISTORY (in millions)**



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Property tax revenue is projected to grow by 3.3% to \$281,218,963, reflecting the Proposition 2-1/2 growth cap of 2.5% along with a modest increase from new development. Overall property tax revenue in FY2023 also includes \$20.5M of tax revenue tied to debt exclusions for school building projects including Florida Ruffin Ridley, Brookline High, and Driscoll.

Over time, the mix of revenue has shifted. In FY1997, property taxes represented 64.1% of revenue; in the current budget they represent 80%. New sources of revenue have materialized. Excise taxes on the sale of marijuana are expected to be \$975K in FY2023. Although Host Community Agreement funds are budgeted at \$1M in FY2023 but are expected to drop precipitously over the next few years. Without changes (at the State level) to excise taxes, funding for certain public health and equity programs is at risk.

Pre-pandemic the Town had planned an increase to parking meter rates that had been anticipated to raise over \$750,000. This increase was deferred due to the pandemic and should be revisited once we settle on a “new normal” for parking, especially since some parking spaces have been eliminated due to the outdoor dining program and enforcement activity has declined.

A total of \$14.2M in Free Cash has been certified. Free Cash is generated when the actual operating results compare favorably with the budget, such as when actual revenues exceed the original estimates and/or when actual expenditures are less than appropriated. It is also affected by increases or decreases in uncollected property taxes, non-General Fund deficit balances, and any other legally incurred operating deficits. In FY2023 the Town is appropriating \$11,606,813 of Free Cash. This level of Free Cash has allowed the Town to address a decline in fund balance; meet policy requirements for the operating reserve, liability fund, and Capital Improvement Program; as well as provide funding for the Affordable Housing Trust Fund and additional Capital Improvement Program support.

### ***Expenses***

The full set of departmental allocations is broken out in the budget resolution; this report focuses on selected areas of interest. Of particular note are Public Safety, Building, Public Works, and the Schools. The tables below show the expenses for these departments over the last 6 budget cycles. As noted earlier, many departments have seen pandemic-related cuts reversed in the FY2023 budget. Some notable exceptions include training resources for the Human Resources Department, the intern program for Information Technology, outside counsel funds, and vehicle replacements for the Police Department.

	FY18 ACTUAL	FY19 ACTUAL	FY20 ACTUAL	FY21 BUDGET	FY22 BUDGET	FY23 BUDGET
Police	\$16,151,311	\$18,578,613	\$17,742,983	\$17,386,626	\$17,493,030	\$17,703,841
Fire	\$15,070,184	\$15,586,571	\$16,105,142	\$15,951,670	\$16,481,472	\$16,934,284
Building	\$7,653,367	\$5,511,493	\$8,158,293	\$8,831,246	\$9,587,404	\$10,237,173
Public Works	\$16,336,101	\$16,069,996	\$16,360,644	\$16,008,198	\$16,668,234	\$16,747,737
Schools	\$105,196,458	\$110,918,206	\$116,978,533	\$120,748,990	\$119,870,476	\$125,098,883

Selected Department Expenses Over Time

	FY18 ACTUAL	FY19 ACTUAL	FY20 ACTUAL	FY21 BUDGET	FY22 BUDGET	FY23 BUDGET
Police	9.1%	10.1%	9.2%	8.8%	8.8%	8.6%
Fire	8.5%	8.4%	8.3%	8.1%	8.3%	8.2%
Building	4.3%	3.0%	4.2%	4.5%	4.8%	5.0%
Public Works	2.3%	2.3%	2.2%	2.0%	2.1%	2.1%
Schools	59.2%	60.1%	60.5%	61.3%	60.3%	60.8%

Selected Department Expenses as a % of Departmental Expenditures Over Time

**Schools.** The largest single allocation in the budget is for the Public Schools of Brookline. The School Department's Budget is recommended to be funded at \$125,098,883 in FY2023, representing an approximately 3.3% increase from the final FY2022 budget. This budget reflects the current allotment recommended by the Town-School Partnership process. The School Department will supplement this allocation via the use of remaining funds available to it from the Elementary and Secondary School Emergency Relief program, revenue from the Materials Fee program and revenue from the State's special education "circuit breaker" program. In addition, the School Department requested and was granted \$3,000,000 in ARPA funds under the revenue replacement category and \$500,000 (also under revenue replacement) to supplement funds allocated to the Building Department for repairs and maintenance of school facilities.

In FY2022, it was unclear whether the dramatic reduction in enrollment experienced in FY2021 as a result of the pandemic would continue or "bounce back" as the School Department moved away from the hybrid teaching approach adopted in FY2021. While there has been some increase in enrollment, the projections being relied on by the Department in FY2023 do not indicate a major increase in enrollment. Accordingly, the School Department has budgeted a reduction in K-8 sections. It is expected that the accompanying personnel reductions will be realized through natural attrition and resignations as opposed to layoffs. The table below shows that for the 2022-2023 school year, using 237 K-8 sections (down from the initial recommendation of 246), the number of children per classroom using the lower or midpoint enrollment estimate will range between 19.6 to 20.2,



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which is equivalent to the pre-pandemic average of 20.2 and noticeably higher than the past

	ACTUAL				PROJECTED					
	19-20 (Oct)	20-21 (Oct)	21-22 (Oct)	21-22 (Mar)	22-23 (Low)	22-23 (Mid)	22-23 (High)	22-23 (Low)	22-23 (Mid)	22-23 (High)
PK	252	153	255	255	300	300	252	300	300	252
K-8	5442	4703	4587	4686	4641	4776	5484	4641	4776 (87.7% PP)	5484
9-12 & SP	2083	2035	2087	2072	2075	2171	2225	2075	2171	2225
<b>Total</b>	<b>7777</b>	<b>6891</b>	<b>6929</b>	<b>7013</b>	<b>7016</b>	<b>7247</b>	<b>7961</b>	<b>7016</b>	<b>7247</b>	<b>7961</b>
K-8 sections	270	270	258	258	246			237 (87.7% of PP)		
<b>K-8 avg/sec (range)</b>	<b>20.2 (14-26)</b>	<b>17.4</b>	<b>17.8</b>	<b>18.2</b>	<b>18.9</b>	<b>19.4 (16-23)</b>	<b>22.3</b>	<b>19.6</b>	<b>20.2 (18-25)</b>	<b>23.1</b>

two years.

Finally, it should be noted that between the Elementary and Secondary School Emergency Relief program and ARPA, the School Department will be using \$4M of one-time funds for permanent operating purposes. The Department similarly used \$5M of one-time funds for operating purposes in FY2022. This approach cannot be sustained and if organic growth in revenue is insufficient, this approach will need to be addressed in FY2024 or FY2025 at the latest — either by reductions in expenses or an increase in taxes or some combination of both.

**Police.** The Police Department budget for FY2023 is \$17,703,841, an increase of \$210,811 from FY2022. Approximately half of the increase is for salaries; most of the rest is new vehicles and increased gasoline prices.

There are a number of budgetary issues that are not addressed by the published Financial Plan, most notably problems with staff recruiting, retention, inability of both the Brookline Police Union and Town to sign a new collective bargaining agreement, as well as low morale within the Department. There are a number of reasons for morale issues; most notably the increased use of forced overtime to fully staff shifts, the burden of which has fallen on the newest hires. It has not been uncommon for officers to work 16 hour shifts on a regular basis as often as 3 or 4 times per week. This has been addressed in the short term by reassigning specialty officers (e.g., detectives) to patrol duties, a solution which is more of a band-aid than a long-term strategy. Turnover has been high, exacerbating this problem. Since 2011, 26 officers have left the Department for other employment (the Department is budgeted for 135), with a majority leaving within the last 18 months. There are currently 19 Patrol Officer vacancies. (The Department currently has approval to hire 9; there are 4 in the Academy.)

The most recent collective bargaining agreement ended on June 30, 2020, and was itself a retroactive contract when approved by Town Meeting. Some of the costs of the next agreement will be needed for implementing more competitive salaries, as well as for body cameras, which is in collective bargaining negotiations. In addition, the implementation of body cameras has hardware and software costs, along with staff training and support costs. The Department has received quotes ranging from \$550,000 to over \$1M for the hardware and software costs alone.

**Fire.** The Fire Department budget for FY2023 is \$16,934,284, an increase of \$452,812 (2.7%) over FY2022. As with the Police Department, approximately half of the increase is salaries and the bulk of the remainder is budgeted capital (vehicles and equipment).

Necessary renovations to fire stations is in our future. The latest estimates for rebuild/renovations range from \$50M (if the buildings are not renovated to have net-zero emissions) to \$60M (if they are to be Net-Zero or Net Zero Ready). This is a 5-7 year rolling initiative that will require a debt exclusion for funding.

The Fire Department has not had trouble hiring qualified candidates; however because the Town does its own training of recruits, it must wait until there are a sufficient number of vacancies to fill to justify the expense of a training program. Chief Sullivan believes we could reduce costs by having recruits trained at the State academy, for which participation is free. By having recruits enter the State academy, the Department could fill vacancies as they arise, thereby reducing the need for overtime staffing for longtime vacancies. There are, however, waiting lists for the State training academy and there are some differences in the training. This topic merits further examination.

**Building.** The Building Department budget for FY2023 is \$10,237,173. In the Advisory Committee's opinion, the original budget as presented did not include enough funds for building maintenance. Brookline has added a number of new buildings (most visibly the Ridley School and the new High School building on Cypress/Tappan) over the past few years. These buildings are notable for being "high-tech" buildings. This is great for our "Carbon Footprint" and the plans for these buildings were overwhelmingly approved by Town Meeting. However, sufficient funds for the additional maintenance required were not to be found in the budget. This has been addressed for FY2023 through the use of ARPA funds as well as adjustments within the School budget, but the availability of one-time funds cannot be relied on for future maintenance.

**Public Works.** The Department of Public Works (DPW) operating budget for FY2023 (excluding the Enterprise fund) is essentially level funded at \$16,747,736 and represents a \$79,501 increase (0.48%) over FY2022. Through the use of Host Community Agreement dollars and an outside grant, two new positions — a Waste Zero Program manager and an additional Transportation Engineer — have been added to DPW's headcount. Adjusting for Host Community Agreement expenses the actual year-over-year increase in the Department's budget is \$289,022 (1.7%).

During the pandemic, the DPW workload increased significantly because of the increased use of public parks and other public spaces; increased litter and trash in parks and playgrounds; installation of outdoor dining spaces in the public way that required inspections for safety, compliance, and accessibility; increased cafeteria food and litter on school grounds as school lunch periods moved outdoors; and the DPW becoming, along with the Police Department, the de facto mask enforcement call center. The DPW staff, although understaffed and working with significant constraints, put in extra effort to maintain effective operations. This has led to understandable morale concerns and the diversion of effort to these high-priority needs delayed the delivery of capital projects in some cases.

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### ***Capital Improvement Plan***

The 2022 Annual Town Meeting will be asked to vote on a Capital Improvement Program (CIP) for FY2023 that totals \$24,090,653. Of that amount, \$8,710,000 is financed by general bonds; \$5,740,000 by utility bonds, \$1,060,605 by state and federal grants, and \$8,580,048 by revenue. Among the pressures on the CIP are the lease for 2 Clark Road (See #55, “Classroom Capacity”) and the debt service on the \$11 million settlement of the Gerald Alston case, which was financed with a 10-year bond incurring \$1,395,234 in debt service in FY2023.

Details and explanations for the CIP requests the Advisory Committee recommends funding can be found later in this report.

### ***Concerns***

The FY2023 budget is a comprehensive plan to address the needs of the Town, but it is not without serious concerns that future budgets must take into account.

### ***Staffing***

Throughout the budget review process Advisory Committee members heard two common (and somewhat related) themes across the departments:

1. Hiring has become increasingly difficult. Certain positions requiring specialized skills (for example, maintenance of the newer HVAC systems) have been unable to be filled except through expensive contracting. This experience is not uncommon to those who work in certain segments of the private sector; salaries have increased dramatically in recent years and job switching is on the rise.
2. Total compensation (salary, benefits, vacation, etc.) is often not perceived as competitive. This is not true as a general rule for all departments (School salaries and benefits compare favorably with other communities), but the Advisory Committee has heard repeated concerns about the ability to hire and retain staff, exacerbated by the oft-heard complaint that it is increasingly difficult for Town employees to afford to live in Brookline. The Town has responded with (as mentioned earlier) a significant allocation to the Collective Bargaining Reserve and has contracted with the Collins Center for Public Management to initiate a salary study with a preliminary report expected in the next few months. The results from the study will inform future planning for pay and benefits. This is an issue which will merit review in future budgets.

[1]

### ***Maintenance***

As noted above, the original budget did not include enough funds for building maintenance and we cannot rely on one-time funds for future maintenance needs. The Advisory Committee recommends that a new approach to building maintenance funding be considered, possibly involving the use of a stabilization fund dedicated to building maintenance with funds being directed to this stabilization fund via the debt exclusion for new construction. (In other words, a portion of the maintenance budget should be included and earmarked in the planning/costing for a new building.)

Similarly, the Department of Public Works’ vehicle inventory is getting long in the tooth. Vehicles that have outlived their planned lifespan are still on the road because insufficient funds have been allocated for their replacement. Estimates show that over \$10M in replacement costs for DPW vehicles will be necessary over the next 5 years.

Continuing this theme, the Transportation Mobility Plan commissioned by the Department of Public Works estimates the backlog of street repairs and maintenance to be \$51.6M, \$5.8M of which corresponds to 3.3 miles of roadways in need of major repairs. More importantly, this same analysis estimates that \$5M per year is needed to maintain the roadway network at its current conditions (by way of comparison, the FY2023 budget allocates \$2M for this purpose).

*Pensions/Other Post-Employment Benefits (OPEBs)*

The Town continues to follow its plan to shore up the Pension Fund and OPEB funding deficits. Based on current estimates, the Town remains on track to fully fund the Pension Fund by 2030, freeing up funds to direct to covering the OPEB liability. Despite these welcome steps, it is important to recognize that a significant liability (approximately \$225M each) currently exists in each area. As a percentage of revenue, Brookline's unfunded pension liability is third highest among AAA-rated communities<sup>1</sup>, while our unfunded OPEB liability is in the middle of the pack.

*Debt*

The Town has maintained its AAA bond rating, indicating that the rating agencies continue to trust our managing of our finances. Still, as of July 2021, the Town has amassed \$472M in bonded debt, with necessary construction projects looming on the horizon. This debt corresponds to \$7,473 per capita and represents 136% of annual revenue. Among the 13 AAA-rated communities, this is higher than all but Belmont and Nantucket. (By way of comparison, Newton's debt represents 65% of its annual revenue.)

*Increased demand for services*

At every Town Meeting there are Warrant Articles submitted which intend to alter behavior. There is often considerable support for these Articles, as they regularly reflect the desires and values of the community. To cite some examples, over the past several cycles we have debated proposals that:

- asked for increased enforcement for snow removal
- asked for increased enforcement for leaf blower complaints
- asked for additional permitting and enforcement for short-term rentals
- asked for increased enforcement for shrubbery clearing (sidewalk safety)
- called for increases to sustainability planning
- called for comprehensive long-term planning
- asked for more databases to be maintained by the Town Clerk and IT Departments
- asked for more frequent updating of the web site to improve Open Meeting Law compliance

It is uncommon for these well-intentioned and important articles to identify funding sources. Typically, we ask departments to “make do” by shuffling around resources and responding to the highest priority needs. Of course we want the departments to be responsible and responsive, and they are excellent at adjusting their priorities on the fly. But we can not

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<sup>1</sup> excluding Boston and Cambridge

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continue to add new responsibilities year over year without adding staff or other resources. (See below under “structural liabilities” for more on this topic.) For this budget cycle, the Advisory Committee’s budget includes an additional FTE for the Planning Department to respond to calls from Town Meeting for extra attention to be paid to long-term planning. Additionally, the budget review process identified allocated but as-yet-expended funds that could be shifted for this purpose which became the germ for Warrant Article 10 in this Warrant (“funding for the comprehensive planning efforts recommended by Town Meeting in November 2021”).

The Advisory Committee endeavors to make reasonable estimates as to the financial implications of Warrant Articles and include those estimates in its reports.

### *Climate Change*

Many of you would surely argue that addressing the ongoing effects of climate change along with effecting changes to minimize future harms are the defining crisis of our age. This is borne out in our Warrants over recent years. Brookline has, admirably, been a leader in this area and we can expect more such initiatives. These initiatives have a cost. As we saw with the renovations to fire stations, the short-term costs could be affected by as much as \$10M if we choose the “greener” options. Similarly, our new school buildings are more environmentally friendly but have higher maintenance costs. If the Town is to continue to be a leader in addressing the climate crisis, funds must be found for this purpose.

### *Structural liabilities*

Even without all of the above concerns, the Town faces additional headwinds.

To quote from last year’s Advisory Committee budget report:

*“Even in these times of low inflation, our overall costs rise by 5 to 6%, driven largely by salary increases related to steps in grade and seniority. And our revenue before overrides increases by 3 to 4%, held in check by Proposition 2-1/2. This creates a recurring structural budget deficit.”*

To quote from the Town Administrator’s FY2023 budget forum:

*“Everyone has a stake in every penny so when you try to reallocate funding from a budget ... of course you’re going to get a lot of resistance. Zero-based budgeting in a zero sum game is not a practical approach.”*<sup>1</sup> |  
[2]

Or to quote from almost anyone reading this report in calendar year 2022:

*“Holy cow! Can you believe the price of gas?”*

We do not know the results of collective bargaining, but we can reasonably anticipate that the documented spike in inflation in 2021-2022 will place additional pressures on the budget. The Advisory Committee budget allocates \$3,151,633 to the Collective Bargaining Reserve, more than twice what was allocated in FY2022 and 5.7% higher than what was proposed at the start of the budgeting process.

It is important to keep in mind that, absent the fortuitous and unlikely appearance of one-time funds, there are only three primary levers available to address the ongoing structural problems:

- Increase the commercial tax base through new construction and new businesses
- Increase residential real estate taxes via overrides, continuing a trend we have employed for more than 20 years
- Cut or reallocate funding

Taking each of these in turn:

Increase the commercial tax base. Like everything else, commercial revenues took a hit due to the pandemic. The Town responded admirably to the requests from the business community, delaying the rate hike for the parking meters, facilitating outdoor dining opportunities during the pandemic and subsequently laying the groundwork to expand them into an ongoing, regular, licensed program, awarding Small Business Relief Grants, and publishing a Diversity and Inclusion Business Directory.

Before the pandemic began, in December, 2019, the Town made it easier for new businesses to open by eliminating the variety of parking requirements for most businesses near transit stations. A nail salon, for example, that wanted to open where there used to be a carpentry repair shop would no longer need to go through a 3-6 month special permitting process to ask for permission to not build a parking lot on their property (a relief when in most cases they had no such room to begin with). Are we continuing to do enough to attract and keep businesses, both from the perspective of encouraging development through zoning or other changes (to increase commercial tax revenue) and from the perspective of listening to the needs of the businesses that are here (to preserve or increase revenues collected from those businesses, as well as to keep our commercial areas vibrant and appealing)? It is worth noting that even under the most optimistic scenarios, commercial development can not be the sole solution to the Town's structural deficit.

Increase residential real estate taxes via overrides. This is our traditional approach and it is likely we will see a push for this in the coming months. The taxpayers may be convinced to increase the levy but it becomes increasingly likely that there will come a day when an override or debt exclusion will fail, and we must keep in mind there remain additional major projects (Pierce School renovation and fire station rehabilitations) to come.

Cut or reallocate funding. We all know this is hard. The argument is repeatedly made that some citizen in the town receives a benefit from every dollar we spend and can be expected to notice if that dollar is no longer available. This is no excuse for avoiding the hard work of defining priorities. Society changes and the relative priorities of departmental needs must vary over time. We should expect to see this reflected in our budgets.

## **RECOMMENDATIONS FOR CAPITAL IMPROVEMENT PROGRAM**

The Town's Capital Improvement Program (CIP) policies define a CIP Project as follows:

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A capital improvement project is any project that improves or adds to the Town's infrastructure, has a substantial useful life, and costs \$25,000 or more, regardless of the funding source. Examples of capital projects include the following:

- Construction of new buildings
- Major renovation of or additions to existing buildings
- Land acquisition or major land improvements
- Street reconstruction and resurfacing
- Sanitary sewer and storm drain construction and rehabilitation
- Water system construction and rehabilitation
- Major equipment acquisition and refurbishment
- Planning, feasibility studies, and design for potential capital projects

Criteria to evaluate CIP proposals include the following:

- Eliminates a proven or obvious hazard to public health and safety
- Required by legislation or action of other governmental jurisdictions
- Supports adopted plans, goals, objectives, and policies
- Reduces or stabilizes operating costs
- Prolongs the functional life of a capital asset of the Town by five years or more
- Replaces a clearly obsolete facility or maintains and makes better use of an existing facility
- Prevents a substantial reduction in an existing standard of service
- Directly benefits the Town's economic base by increasing property values
- Provides new programs having social, cultural, historic, environmental, economic, or aesthetic value
- Utilizes outside financing sources such as grants

The Advisory Committee recommends funding the following FY 2023 CIP requests.

**37. POLICE/FIRE RADIO INFRASTRUCTURE**

**Recommendation: \$900,000** (Revenue Financed)

The Police Department's FY 23 CIP request for \$900,000 represents the fourth annual payment of a five-year lease/purchase agreement with Motorola for upgrading police and fire radio channel infrastructure. The upgrade program began three years ago when the system's copper circuit connections could no longer be supported by Verizon and replacement parts were no longer available for the 25-year-old equipment. The new system and equipment has a life expectancy of 12-15 years.

The upgrading process, although slowed down by the pandemic with scheduling delays and delays in the arrival of equipment, is in the "home stretch." The department has been waiting for the arrival of three more components but expects the three channels – two for Police and one for Fire - to go live in the near future.

**38. PUBLIC SAFETY BUILDING LOCKER ROOM IMPROVEMENTS**

**Recommendation: \$450,000** (Revenue Financed)

The Police Department is located within the Public Safety Headquarters at 350 Washington Street in Brookline. Renovated over twenty years ago, portions of the facility need updating. This CIP request calls for the expansion and enhancement of locker room facilities via the reconfiguration of existing spaces to respond to the increased number of female patrol officers and female supervisors. Currently 13% (14 individuals) of the 135 officers are female; the number of supervisory positions has increased during the past 20+ years from one to three.

At present the locker room area, consisting of toilets, showers, changing space, and 20 lockers, is shared by officers, supervisors, and 12 female public safety dispatchers and is already inadequate. Further, if the Department is to consider diversifying its force in accordance with the guidelines of the National Association of Women Law Enforcement Executives, then there is even more need for additional lockers, toilets and showers as well as commensurate changing areas for patrol officers and for supervisors. A separate space to accommodate nursing mothers is also being requested since there is currently no separate nursing area in the Public Safety building, which is a violation of a law passed in 2018. In addition to the legal requirement of providing a nursing area, the lack of such a facility could be a barrier to women coming back to work after maternity leave.

Current plans call for additional square footage to be gained by using the current training room since new technology enables mobile training to take place in the Community Room on the first floor of the building. At present the Community Room is used by the public during the early weekday hours and on weekends. Sometimes training takes place in the evening but it is expected that such sessions would be scheduled around the times that members of the public are using the room.

The \$450,000 request is based on draft plans; most of the work will consist of plumbing, along with opening a number of walls, adding more lockers, toilets, sinks, and showers, and installing



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doors. Funds will also be used to upgrade fixtures in the locker room for male supervisors.

### **39. TRAFFIC CALMING / SAFETY IMPROVEMENTS**

**Recommendation: \$560,000** (Revenue Financed)

As of September 14, 2021, the Town had a list of 20 Traffic Calming projects that had been submitted to the Engineering and Transportation Division for review and prioritization. An updated list may be found here: <https://www.brooklinema.gov/DocumentCenter/View/489/Current-Traffic-Calming-Project-Status-Report-PDF>.

Assuming Town Meeting's approval, adding another engineer to the staff of the Transportation Division as of July 1, 2022, will accelerate the schedule of implementing Traffic Calming and other safety improvements. Larger amounts of funding for these purposes are projected for future years, with the average funding request, currently \$50,000, growing to one of \$150,000.

FY 23 CIP funding for the following two projects has been requested and is recommended by the Advisory Committee.

#### *Beverly Road Safety Improvement Plan*

This project is the result of a Traffic Calming application submitted by Beverly Road residents with the support of the principal of the Baker School, the Baker Safe Routes to School Parent leaders, and other members of the community. The plan focuses primarily on improving pedestrian, cyclist, micro-mobility, and motorist safety at three intersections and within the Baker School Zone along Beverly Road.

#### *Carlton Street at Colchester Street Safety Improvement Plan*

The Carlton/Colchester Streets Safety Improvement Plan, based on input from Walk Boston, the Brookline Bicycle & Pedestrian Advisory Committees, and neighborhood residents, is a requirement of the Massachusetts Department of Transportation. It will improve access for pedestrians and bicyclists to the Carlton Street footbridge via installation of a raised intersection with crosswalk, raised crosswalk signs and pavement markings, bicycle ramp, and rapid flash beacons. The Carlton Street footbridge connects the Cottage Farm and Longwood neighborhoods to the paths and parks of the Emerald Necklace and the restoration of this historic connection was a condition of the federally funded Muddy River Restoration project.

### **40. BICYCLE ACCESS IMPROVEMENTS**

**Recommendation: \$472,000** (Revenue Financed)

Projects funded through this appropriation originate from plans for a larger Green Routes Bicycle Network. The Network seeks to avoid circuitous routes that discourage cycling. As much as possible, its routes minimize traffic stress, avoid hills, are esthetically pleasant, and minimize stops. It incorporates routes that cyclists prefer since there is no benefit to designating routes that bicyclists won't follow. Funding supports the painting of existing and new bike lanes and sharrows, replacement and installation of protective bollards and designated signage, and the installation of curb extensions and protected bike lanes.

FY 23 funds will be used to support Brookline Avenue Multi-Modal Improvements, which are based on the Transportation Board's approved Green Routes Master Network Bike Plan, the Select Board's Emerald Necklace Crossings Committee Final Report, and the Town's Complete Streets Policy.

Brookline Avenue is an important multi-modal corridor for the Town and the Greater Boston region acting as the main access route to the Longwood Medical Area (LMA) from portions of Brookline as well as from the suburban communities to the west of Boston. Important users include MBTA Route 60 and 65 bus riders. In addition Brookline Avenue provides important connections for the Emerald Necklace multi-modal path system used by pedestrians and by cyclists for both commuting and recreational purposes.

The proposed project, will improve pedestrian, bicycle, micro-mobility, public transit, and emergency vehicle access to and through the Brookline Avenue corridor between Washington Street and the Brookline/Boston boundary. Specific components include:

1. A northbound shared Bus/Bike/Emergency Vehicle travel lane
2. Two northbound general purpose travel lanes
3. A southbound general purpose travel lane
4. A southbound shared Bus/Bike/Emergency Vehicle travel lane
5. Upgrading of the Brookline and Aspinwall Avenue intersection to current ADA standards, with improved bicycle accommodations including bike walks and left turn queue boxes
6. Relocation of the southbound Route 60 and 65 bus stop at Aspinwall Avenue to the far side of the intersection in accordance with MBTA preferred bus stop guidelines
7. A new protected two-way, street level cycle track providing the missing connections in the Emerald Necklace bicycle and micro-mobility paths along the Muddy River.

#### **41. PARKING METER TECHNOLOGY UPGRADE**

**Recommendation: \$188,000** (Revenue Financed)

The FY 23 request for Parking Meter Upgrades represents the final installment of funds to replace coin-only single head parking meter mechanisms with "Smart Meters" that accept credit cards and can be both monitored remotely to determine if the meter is operating and changed remotely for hours of operation and meter rates.

The increase in the cost of the meters grew significantly (70%) from last year's projections because of the inclusion of 5G technology and the overall cost of materials and production.

#### **42. ACCESSIBLE PEDESTRIAN SIGNAL CONVERSION**

**Recommendation: \$50,000** (Revenue Financed)

Accessible Pedestrian Signals (APS), include pedestrian pushbuttons and countdown timers. They communicate information in non-visual formats to all pedestrians, including those who are vision-impaired, and play an important role in the safe navigation of signalized

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intersections by locating the crossing location, activating the pedestrian push buttons, and informing pedestrians when crossing the street is safe.

With the approval of FY 23 CIP funds, the APS installation project will be completed in three, as opposed to the previously projected five, years, thanks to both the allocation of CDBG funds and competitive pricing for the needed equipment.

#### **43. STREET REHABILITATION – TOWN**

**Recommendation - \$1,888,000** (Revenue Financed)

In 1992, the Department of Public Works (DPW) undertook a comprehensive study of its roads and implemented a pavement management system. The system was designed to bring Town-owned streets to a sufficient level of repair such that they could be maintained without undertaking costly full reconstruction. From 1992 to 1997, some progress in this regard was made, but funding was inconsistent. Starting in 1997, the Town began allocating \$1 million per year to street repair, which was added to Chapter 90 funding from the State, reserved for streets and roads that meet specific criteria.

With the approval of the 2008 Operating Override, an additional \$750,000 was added to the CIP for streets and sidewalks (\$700,000 for streets and \$50,000 for sidewalks), along with an annual 2.5% increase in the CIP appropriation associated with this work.

In 2018 Stantec updated the Town's Pavement Management Program, noting that the \$18.5 million backlog of Street Maintenance work in 2014 had increased to a \$23.5 million backlog, that the PCI rating (Pavement Condition Index) was 73 and that the annual appropriation needed to keep the Town's public ways in good condition was \$3 million.

In July 2021 Beta Engineering published a report on the Town's public ways based on survey work undertaken in Spring 2020. The report noted that the average PCI rating had dropped to 70.80, that the current backlog had increased to \$53.9 million and that the annual appropriation needed to maintain streets and roads in good condition had increased to \$5 million.

To put those recommended funding amounts in context, the appropriations for Street Rehabilitation in FY 20-FY22 were \$1,750,000, \$2,549,916 and \$2,072,224 respectively.

Going forward, Street Rehabilitation projects will be looked at through the lens of Complete Streets and will include traffic volume data, traffic counts, vehicular speed, crash summaries, pedestrian reports, sidewalk conditions, the Green Routes Master Plan for bicycle access, Safe Routes to School, traffic signals, accessibility ramps, and traffic calming. This is a far more comprehensive approach than has been used in the past and will involve more process and greater community input. It is also an approach that will cost more in time and in dollars and presents even greater justification for significantly increasing the annual appropriations for the Street Rehabilitation Program.

Streets prioritized for rehab work in FY 23 include all or portions of Washington Street, Summit Avenue, Jordan Road, Allandale Street, Greenough Road, Tappan Street, Davis Avenue, and Woodland Road. Streets under review include all or portions of Warren Street,

Walnut Street, Heath Street, Chestnut Street, Short Street, Kenwood Street, Russell Street, Arlington Road, and Kensington Circle.

#### **44. SIDEWALK REPAIR**

**Recommendation: \$353,000** (Revenue Financed)

Sidewalk Repair funds are directed to sidewalks that are not reconstructed as part of a larger street rehabilitation or major repair project. As noted above, the 2008 Override included \$50,000 for sidewalk repair, to be increased annually by 2.5%. Small sections of sidewalks are repaired by the crews of the Highway Division of the DPW, and some of the CIP appropriation is used to purchase materials for this purpose. Most of the CIP funds, however, are used to pay outside contractors to repair long stretches of sidewalks in the Town.

(For those who may be interested, the portion of the sidewalk near Town Hall that was repaired with low carbon concrete last fall is holding up well.)

#### **45. WASHINGTON ST. REHAB – COMPLETE STREETS PROJECT**

**Recommendation - \$700,000** (Revenue Financed)

Funding for this project supports survey, design, engineering, analysis, and project management services necessary to support the Town in obtaining Federal and/or State funding for the rehabilitation of 1.3 miles of Washington Street and associated intersections from Station Street (Brookline Village) northerly up to and including its intersection with Beacon Street (Washington Square). The estimated construction cost for the project is \$28.2 million. The Town's share is currently estimated at approximately \$6 million spread over several years and supports preliminary design, public participation, right of way approvals, engineering bid documents, construction oversight, project management, funding assistance, implementation, and Town preferred betterments.

Washington Street is currently constrained with a relatively narrow right-of-way with two lanes of traffic, on-street parking in both directions, bicycling, public transit via the Route 65 Bus, and significant volumes of pedestrians. It serves as an important connection between Route 9/Boylston Street and Beacon Street, is utilized by high volumes of drivers, pedestrians, and bicyclists, and provides access to three commercial districts, Public Safety facilities, the County Court House, and other Town government services including the Public Library and Town Hall. The roadway and the sidewalks are in poor condition and in need of replacement.

The project includes improving safety and operations along the corridor for drivers, bicyclists, pedestrians, and transit users. Successful completion of the project will improve safety, provide efficient traffic operations and enhancements, expand sidewalk/streetscape, and utilize healthy transportation concepts.

While plans for a Complete Streets approach for Washington Street have proceeded, the street's condition in various locations has continued to deteriorate so measures such as crack sealing to address water infiltration have taken place and bonded wearing course treatment

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along with restriping will be undertaken to increase the visibility of bike lanes and safe crossings

#### **46. PARKS AND PLAYGROUNDS REHABILITATION & UPGRADE**

**Recommendation: \$200,000** (Revenue Financed)

This annual, town-wide program directs CIP funds to the repair and replacement of unsafe and deteriorating features in park, playground and athletic field facilities. Items funded with these dollars include fences, gates, backstops, retaining walls, picnic furniture, turf restoration, infield refurbishment, bench replacements, play structures, safety surfacing, and drainage improvements. The expenditure of these funds is intended to avoid more expensive rehabilitation that would be necessary if these items were left to deteriorate.

Due to pressures on the FY 23 CIP, funds for this “bucket” have decreased (by 23%), which increases the possibility that instances of disrepair in the Town’s parks, playgrounds, and athletic fields will go unaddressed.

#### **47. TOWN/SCHOOL GROUNDS REHAB**

**Recommendation: \$90,000** (Revenue Financed)

Town and School grounds require on-going structural improvements and repair. These funds are intended to support attractive and functional landscapes and hardscape improvements including plant installation, regrading, reseeding, tree work, repair to concrete or asphalt walkways through the site, trash receptacles, bike racks, drainage improvements, retaining walls, and repairs to stairs, treads, railings, benches, or other exterior structures. This funding does not include capital replacement of areas over building structures or directly connected to the buildings, such as entrance stairways and ramps into the building, which are under the Building Department's jurisdiction.

Like the Parks and Playgrounds Rehabilitation “bucket,” this program’s objective is to avoid the more expensive rehabilitation that would be necessary if these items were left to deteriorate.

Due to pressures on the FY 23 CIP, funds for this program have decreased (by 45%), thus increasing the possibility of unmet needs for replacements and repairs.

#### **48. TREE REMOVAL AND REPLACEMENT / URBAN FORESTRY MANAGEMENT**

**Recommendation: \$350,000 (\$50,000 in reappropriated funds added to the originally \$300,000 appropriation)** (Revenue Financed)

The tree removal and replacement program represents the Town's effort to balance street tree removals with plantings. Storm damage, disease, and old age continue to reduce tree canopies. Funds in this program will be utilized to remove hazard trees and provide structural, health, and safety pruning to prolong the life and viability of our significant trees. New trees will be planted in anticipation of the ultimate loss of existing mature trees. Such new plantings are critical, as they directly impact the tree-lined character of the community, improve stormwater

quality, provide oxygen, reduce heat impact in the summer, and improve the overall quality of life in Brookline.

Also included in the requested annual appropriation is funding for Urban Forest Management to address a range of significant improvements needed, such as tree removals, crown thinning, soil amendments, woodland canopy gap management, invasives removal, pest management, health and structural pruning, and planting throughout the Town's parks and open spaces.

It should be noted that the Division of Parks and Open Space has released its Urban Forest Climate Resiliency Master Plan Report (<https://www.brooklinema.gov/DocumentCenter/View/25153/Brookline-Urban-Forest-Climate-Resiliency-Master-Plan-Report-June-2021>), which includes an assessment of the health and condition of the Town's street trees, an analysis of the entire urban forest, and a 10-year action plan outlining goals and recommendations to enhance the resiliency of Brookline's urban tree canopy. Given the age and the condition of that tree canopy, as well as increasing costs, it will be critical to increase funding for this program in future years. The Advisory Committee increased the original \$300,000 in FY 23 funds by \$50,000 in response to this critical need.

#### **49. SCHOOL FURNITURE**

**Recommendation: \$25,000** (Revenue Financed)

Funds in this program are used to replace school furniture, which absorbs significant wear and tear through daily use. Funds may also be used to respond to the occasional special request from a PSB teacher.

#### **50. UNDERGROUND FUEL TANK REMOVAL**

**Recommendation: \$50,000** (Revenue Financed)

These funds are used to remove double-wall carbon steel fiberglass underground fuel tanks. Although they come with a 30-year warranty and are tested annually, the tanks are approaching the 20-25 year-old mark. Among the older tanks in this category is one for the Lawrence School. The one for the library is another candidate.

The tanks are filled with approximately 1000 gallons of fuel oil, which keeps them from floating. In past years, \$50,000 would have been sufficient to remove two tanks, but given the current budget environment, this amount may be sufficient for only one tank removal. Once the underground tanks have been removed, they are replaced with smaller ones (275 gallons) located inside the building.

There are 26 tanks at various school and town sites. Existing boilers are set up for dual fuel and until such time as buildings are fossil fuel free, oil is considered to be a backup for natural gas for heat.

**51. TOWN/SCHOOL BUILDING - ADA RENOVATIONS****Recommendation: \$85,000** (Revenue Financed)

Funds in this account are used to bring Town and School buildings into compliance with the Americans with Disabilities Act (ADA). Some of the dollars are used to install features such as handrails, ramps, and specific devices including automatic door openers, ADA compliant sink faucets, and electronic toilet flushometers. Other funds are reserved to respond to specific requests for accommodation that are made to the Building Department throughout the year.

**52. TOWN/SCHOOL BUILDING - ENERGY CONSERVATION****Recommendation: \$100,000** (Revenue Financed)

This appropriation is used to decrease energy consumption in Town and School buildings. Programs include, but are not limited to, lighting retrofit and controls, energy efficient motors, insulation, and heating and cooling equipment. Another investment has been with variable frequency drives (VFDs). VFDs control the speed of motors for pumps and fans. They reduce the speed of the motor in response to inputs from the energy management system based on the needs of the space.

The program supplements existing gas and electric utility conservation programs. On average the Town receives between \$50,000 and \$100,00 in rebates annually from utility companies. A recent program (February 2022) offers a \$3000 rebate for the replacement or installation of heat pumps.

**53. TOWN/SCHOOL BUILDING - ENERGY MANAGEMENT SYSTEM****Recommendation: \$100,000** (Revenue Financed)

This appropriation is used to upgrade the Johnson Controls equipment that runs the energy management systems in Town and School buildings. Funds will be spent on updating software, hardware, and wiring. The Building Department will continue to work with the Information Technology Department on these projects.

**54. TOWN/SCHOOL BUILDING - SECURITY/LIFE SAFETY SYSTEMS****Recommendation: \$250,000** (Revenue Financed)

Funds in this program are used for security improvements in Town and School buildings and for upgrading fire alarm systems, sprinkler systems, emergency lighting, and egress signs. Funds in FY 23 will be used for the inspection and repair of plaster ceilings, additional keycard readers, upgrades for keycard software, town building camera upgrades, interior cameras for school buildings, and the installation or replacement of such security measures as locks, doors, and frames.

**55. CLASSROOM CAPACITY****Recommendation \$1,827,048 (Revenue Financed)**

In response to the need for additional space to accommodate growing school enrollment and before the expansion/rebuild of several K-8 school buildings, a “Classroom Capacity” account was created and supported with CIP dollars. Initially used to repurpose existing space and to add modular units via lease-purchase arrangements, more recently Classroom Capacity funds have been used to lease not only classroom space for the Brookline Early Education Program (BEEP) but also office space for School administrators and support staff.

Currently, Classroom Capacity funds are used to lease space at Temple Ohabei Shalom, Temple Emeth, and 2 Clark Road, a property owned by the Maimonides School. All three locations house BEEP classes, but in the case of 2 Clark Road, while seven classrooms are used by BEEP, the remaining classrooms have been converted into administrative offices for curriculum directors and for SPED, Steps to Success, and School Operations support staff, all of whom total approximately 40 people.

-- Temple Emeth: In FY 23, leasing six classrooms at Temple Emeth in South Brookline will cost \$299,276, with an additional \$51,970 for operating costs including custodial services and utilities. The lease for this space runs through FY 25, but can be extended to FY 29.

-- Temple Ohabei Shalom: In FY 23, leasing five classrooms at Temple Ohabei Shalom on Beacon Street, east of Coolidge Corner, will cost \$220,802. Access to these classrooms is limited to specific times. The lease expires July 31, 2023, but can be extended to July 31, 2030.

-- 2 Clark Road: In FY 23 leasing the entire building at 2 Clark Road will cost \$1,190,000, plus \$134,000, the cost of utilities carried in the Building Department’s budget, and \$41,000, the cost of landscape maintenance and snow plowing, carried in the DPW budget. The lease for this property runs until July 31, 2024, with an option to extend for one year. A back-of-the-envelope estimate attributes approximately \$680,000 of the total for administrative space and approximately \$510,000 for BEEP.

The total cost of the leases for all 3 spaces from FY 22- FY 27 is \$9,671,584.

There was an extensive discussion at the Advisory Committee Capital Subcommittee hearing regarding 1) the continued use of CIP funds for rent; 2) the School Department’s timeline for moving all educational programs and administrative staff back onto school campuses or into other Town-owned properties; and 3) options to pursue in the interim.

There is currently considerable pressure on the CIP, to the point that there are insufficient dollars to maintain and therefore prolong the lifespan of the significant investments that have been made in Town and School buildings and in public parks and playgrounds. There are also insufficient funds to address Climate Change and support Climate Change mitigation to the degree warranted.

For these reasons and understanding the need to have sufficient time to execute an alternative plan, the Advisory Committee, through its Capital Subcommittee, has requested that by February 2023, with the release of the FY 24 CIP, the School Department will have prepared a plan that identifies steps to reduce reliance on CIP funds for leased spaces, including the



specific goal of reducing the use of leased buildings for administrative space. Such measures could include 1) reducing the number of offices needed by creating shared office space, particularly for School staff members who spend much of their working day outside of their offices; 2) developing hybrid work models that include working from home as well as working from an office; 3) using current excess space on K-8 campuses resulting from current lower student enrollment; and 4) exploring the Baldwin School and the Town-owned property on the former Newbury College campus for office space, with the understanding that particularly in the case of the Newbury property, such office use might very well be temporary.

Regarding classroom space, the opening of the new Driscoll School, a rebuilt or reconfigured Pierce School (assuming a successful debt exclusion ballot question), and an ADA-compliant and upgraded Baldwin School should be able to accommodate the BEEP classes that are now in leased spaces, although it is not entirely clear that Baldwin would be the best location for South Brookline BEEP families.

Because of the other unmet demands on the CIP and because of the Town's published CIP policy, the School Department has been asked to develop a plan to eliminate reliance on the CIP for leased space, particularly administrative space, by the beginning of FY 24, with any further leasing of such space after FY23 to be funded from the Department's operating budget.

## **56. ENGINE #1 REPLACEMENT**

**Recommendation: \$725,000** (General Fund Bond)

Town Policy calls for the replacement of front-line fire engines every 17 years and their rehabilitation every 10 years. It also calls for the replacement of front-line ladder trucks every 20 years and their rehabilitation every 12 years. This schedule is aligned with guidelines from the National Fire Protection Association.

Engine 1 was purchased in 2006; it is due to be replaced in FY 23 at an estimated cost of \$725,000. Delivery of the new engine will be about one year after the order is placed.

The current Engine 1 will become a reserve engine, meaning that it will be used when front line equipment is taken out of service for unanticipated repairs, scheduled maintenance, or warranty work. One reserve engine is used for training at Station 6. The department keeps an average of three engines in reserve, housing them at Stations 4, 5, and 6. Currently there are four. Once a reserve engine reaches the end of its useful life, it is auctioned off for scrap or purchased by a private collector. All proceeds are deposited in the General Fund.

The replacement for Engine 1 will have a streamlined design that will make negotiating Brookline streets and Brookline traffic easier and more efficient. No problems are anticipated in being able to accommodate it in terms of its dimensions or weight in any of the stations.

Electric fire engines are currently undergoing beta testing in the Midwest and the Fire Department will track their performance. In the near future the Department is likely to purchase hybrid before transitioning to electric vehicles for staff and Fire Prevention. The current lack of infrastructure needed to support electric vehicles presents one barrier to their purchase now.

**58. STORMWATER IMPROVEMENTS & PERMIT COMPLIANCE****Recommendation: \$600,000** (Utility Bond)

The EPA's Stormwater Phase II Rule establishes an MS4 stormwater management program that is intended to improve the Town's waterways by improving the quality of the water that is discharged through Brookline drains. This is undertaken by reducing the quantity of pollutants that stormwater picks up on the roads and carries into storm sewer systems during storm events.

**59. WATER SYSTEM IMPROVEMENTS****Recommendation: \$2,000,000** (Utility Bond)

The Water Distribution System Capital Improvement Program completed in 2019 focused on redundancy, fire flow enhancement, reliability and break history. Water System Improvements funding will be directed to design and to construction projects that meet the objectives of the 2019 report. Some of these funds will also be used on pipeline projects and upgrading meters, a number of which are reaching the end of their useful life.

**60. WASTEWATER SYSTEM IMPROVEMENTS****Recommendation: \$3,000,000** (Utility Bond)

This on-going project provides funding for the rehabilitation of the wastewater collection system (sanitary sewer). Rehabilitation was based on the recommendations of the Wastewater Master Plan completed in 1999. Previous construction projects to correct sewer system deficiencies targeted: 1) structural improvements, 2) sewer and storm drain separation and 3) hydraulic capacity restoration. Moving forward, the primary focus will be on the reduction of inflow and infiltration, essentially keeping clear water out of the sewer system, thus eliminating its unnecessary and costly treatment. Funding for this project should ultimately enhance the efficiency of the wastewater collection system and help to lower MWRA wholesale costs. This project is supported by an MWRA grant and interest-free loan program.

**61. FUEL SYSTEM EQUIPMENT UPGRADE****Recommendation: \$140,000** (Utility Bond)

CIP funds will be used to remove and replace an underground fuel tank at the Water & Sewer Garage, 44 Netherlands Road.

**62. SKYLINE PARK SYNTHETIC TURF REPLACEMENT AND PARK IMPROVEMENTS****Recommendation: \$3,210,000** (Bond)

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The synthetic turf carpet at Skyline Field was installed in 2008 and based on age, use, and a recent surface hardness impact test for safety, should be replaced. (Synthetic turf fields generally have a life cycle of approximately 10-12 years.) Current plans call for the existing carpet and synthetic rubber infill to be removed and recycled, the drainage layer/sub-base laser graded, and new carpet and natural material infill installed. This project also calls for the planting of 25 trees and pruning of existing trees, pathway surfacing, new drainage structure and curbing, chain link fencing around bicycle storage, and a new comfort station with storage room. If funds are approved, the design review process will start in FY 23, with construction following in FY 24.

### **63. WILLOW POND ENVIRONMENTAL RESTORATION**

**Recommendation: \$2,800,000 (Bond)**

Willow Pond is a 0.6-acre pond located on the Brookline/Jamaica Plain border. It is part of the Olmsted Park portion of the Emerald Necklace. Water inputs into Willow Pond include one tributary originating from Ward's Pond (from the south), one tributary from Spring Pond (from the east) and stormwater from the Chestnut Street drain which outfalls near the Ward Pond inlet.

The pond was dredged in 1963 to remove excess sediment build-up. Since 1963, sediment from the three above-mentioned sources has gradually accumulated to a point where the pond's historic capacity has been reduced. In addition, Willow Pond is part of a larger Mass Department of Environmental Protection Disposal Site as regulated under the Massachusetts Contingency Plan (MCP), due to historic releases of petroleum from drainage discharges to the Pond impacting pond sediments. A portion of the overall site has achieved regulatory closure under the MCP; the remediation of the pond itself remains the last step required to complete regulatory closure.

The Town of Brookline retained Weston & Sampson Engineers, Inc. to develop a Dredging Feasibility Study for Willow Pond. The FY 23 request for \$2,800,000 for dredging and other environmental restoration work is based on the feasibility study. These funds will also be used for the shoreline stabilization and restoration around Willow Pond as well as Leverett Pond, work that was not included in the federally funded Muddy River Restoration Project.

### **64. TOWN/SCHOOL BUILDING - ROOF REPAIR/REPLACEMENT PROGRAM**

**Recommendation: \$650,000 (Bond)**

A master plan prepared by a consultant for the repair and replacement of roofs on all Town and School buildings includes an evaluation of roof conditions, estimates for repair and replacement, a repair/replacement priority list, and a schedule. The plan is updated on a regular basis. The slate roof at the Lawrence School is on the schedule for FY 23.

**ADVISORY COMMITTEE'S FISCAL YEAR 2023 BUDGET RECOMMENDATION**

By a vote of 23-0-0, the Advisory Committee submits the FY2023 Town Budget with a recommendation of FAVORABLE ACTION on the following motion:

VOTED: To approve the budget for fiscal year 2023 set forth in the attached Tables I and II; to appropriate the amounts set forth for such fiscal year in the departments and expenditure object classifications within departments, as set forth in Tables I and II, subject to the following conditions; to raise all sums so appropriated, unless other funding is provided herein; and to establish the following authorizations:

**1.) TRANSFERS AMONG APPROPRIATIONS:** Transfers between the total departmental appropriations separately set forth in Tables 1 and 2 shall be permitted by vote of Town Meeting or as otherwise provided by Massachusetts General Laws Chapter 44, Section 33B(b). Within each separate departmental appropriation, expenditures shall be restricted to the expenditure object classifications set forth in the recommendation of the Advisory Committee, and voted by the Town Meeting, for each department, subject to the following exceptions:

- A) Expenditures within the appropriation for the School Department shall not be restricted.
- B) The following transfers within the appropriations for each department (other than the School Department and the Library Department), shall be permitted only with the prior written approval of the Select Board and Advisory Committee:
  - i) Transfers from the appropriation for the capital outlay object classification to any other object classification.
  - ii) Transfers to the appropriation for the personal services object classification from any other object classification.
  - iii) Any transfer which has the effect of increasing the number of positions or the compensation for any position, exclusive of adjustments in wages and benefits voted separately by Town Meeting.
  - v) Transfers within the Department of Public Works from the Parks Division to any other purpose.
  - vi) Transfers within the Department of Public Works from the Snow and Ice budget to any other purpose.
- C) Transfers within the Library Department appropriation shall be permitted with the approval of the Board of Library Trustees, and written notice of such approval shall

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be submitted promptly to the Advisory Committee, Town Administrator and Town Comptroller.

- D) All other transfers within the total appropriation for a particular department shall be permitted with the written approval of the Town Administrator, subject to review and approval of the Select Board, and upon the condition that written notice of each such approval shall be submitted promptly to the Advisory Committee and Town Comptroller.

**2.) PROCUREMENT CONTRACTS AND LEASES:** The Chief Procurement Officer is authorized to lease, or lease with an option to purchase, any equipment or capital item funded within the FY2023 budget, and to solicit and award contracts for terms of not more than four years, provided that in each instance the longer term is determined to be in the best interest of the Town by a vote of the Select Board.

**3.) ALLOCATION OF SALARY ADJUSTMENTS:** Appropriations for salary and wage adjustments (Item #20) shall be transferred by the Town Comptroller to the various affected departments within (60) days from the beginning of the fiscal year, or in the absence of duly approved collective bargaining agreements, within (60) days of the approval of the collective bargaining agreements by Town Meeting. The Select Board shall determine the salaries, which may include merit adjustments, for employees not included in any collective bargaining agreement.

Should a balance remain after the Town Comptroller has made the transfers specified herein, said balance shall be transferred by the Town Comptroller to a budget line entitled Personnel Services Reserve (Item #19), which shall be used to fund costs incurred over the course of the fiscal year pursuant to employee contracts and/or established personnel policies. The Town Comptroller shall include an accounting of all transfers made from this reserve in the Annual Financial Report.

**4.) STIPENDS / SALARIES OF ELECTED OFFICIALS:** The stipends of members of the Select Board shall be at the rate of \$4,500 per year for the Chair and at the rate of \$3,500 per year for each of the other four members. The annual salary of the Town Clerk shall be at the rate of \$101,203 effective July 1, 2022, plus any adjustment approved by vote of the Select Board. The Town Clerk shall pay all fees received by the Town Clerk by virtue of their office into the Town treasury for Town use.

,

**5.) VACANT POSITIONS:** No appropriation for salaries, wages, or other compensation shall be expended for any benefit-eligible position which has become vacant during the fiscal year unless the Select Board, at an official meeting, has determined that the filling of the vacancy is either essential to the proper operation of the Town or is required by law. This condition shall not apply to appropriations of the School Department.

**6.) GOLF ENTERPRISE FUND:** The following sums, totaling \$2,580,460 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	\$736,066
Purchase of Services	\$373,760
Supplies	\$382,500
Other	\$9,600
Utilities	\$135,880
Capital	\$526,000
Debt Service	\$156,135
Reserve	<u>\$25,000</u>
Total Appropriations	\$2,344,941
Indirect Costs	<u>\$235,519</u>
Total Costs	\$2,580,460

Total costs of \$2,580,460 to be funded from golf receipts with \$235,519 to be reimbursed to the General Fund for indirect costs.

**7.) WATER AND SEWER ENTERPRISE FUND:** The following sums, totaling \$31,358,359, shall be appropriated into the Water and Sewer Enterprise Fund, and may be expended under the direction of the Commissioner of Public Works for the Water and Sewer purposes as voted below:

	<u>Water</u>	<u>Sewer</u>	<u>Total</u>
Salaries	2,476,507	545,912	3,022,419
Purchase of Services	172,398	149,000	321,398
Supplies	143,220	26,000	169,220
Other	13,900	3,180	17,080
Utilities	141,100	0	141,100
Capital	417,300	109,800	527,100
Intergovernmental	8,023,100	14,587,590	22,610,690
Debt Service	542,500	1,191,815	1,734,315
Reserve	<u>135,000</u>	<u>175,000</u>	<u>310,000</u>
Total Appropriations	12,065,025	16,788,297	28,853,322
Indirect Costs	<u>2,004,619</u>	<u>500,417</u>	<u>2,505,036</u>
Total Costs	14,069,645	17,288,714	31,358,359

Total costs of \$30,691,325 to be funded from water and sewer receipts with \$2,472,183 to be reimbursed to the General Fund for indirect costs.

**8.) REVOLVING FUNDS:**

- a.) The Park and Recreation Commission is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for special recreation programs and events. All receipts from said programs and events shall be credited to the fund. Annual expenditures from the fund shall not exceed \$4,300,000.
- b.) The Building Commissioner is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the repair and maintenance of the Town's rental properties, including all those listed in the vote under Article 13 of the Warrant for the 1999 Annual Town Meeting. All receipts from said rental properties shall be credited to the fund. Annual expenditures from the fund shall not exceed \$225,000.
- c.) The Commissioner of Public Works is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the construction and reconstruction, upkeep, maintenance, repair and improvement of sidewalks and walkways along public streets and ways over, across and through town owned property. Annual expenditures from the fund shall not exceed \$100,000.
- d.) The Director of Planning and Community Development is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Façade Improvement Loan Program. Annual expenditures from the fund shall not exceed \$30,000.
- e.) The Library Director is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the Copier Program. Annual expenditures from the fund shall not exceed \$30,000.
- f.) The School Department is authorized to maintain and operate, under the provisions of General Laws Chapter 44, Section 53E1/2 and Chapter 79 of the Acts of 2005, a revolving fund for the School bus Program. Annual expenditures from the fund shall not exceed \$75,000.

**9.) SCHOOLHOUSE MAINTENANCE AND REPAIR:** The sum of \$6,876,596, included within the Building Department appropriation for school building maintenance, shall be expended for School Plant repair and maintenance and not for any other purpose. The listing of work to be accomplished shall be established by the School Department. The feasibility and prioritization of the work to be accomplished under the school plant repair and maintenance budget shall be determined by the Superintendent of Schools and the Building Commissioner, or their designees.

**10.) SNOW AND ICE BUDGET:** The sum of \$402,814, included within the Department of Public Works appropriation for snow and ice operations, shall be expended for snow and ice operations and not for any other purpose, unless transferred per the provisions of Section 1.B.vi of this Article 9.

**11.) INTERFUND TRANSFERS:** In order to fund the appropriations voted for the various departments itemized on Table 1, the Town Comptroller is authorized to make the following interfund transfers:

Cemetery Sales Special Revenue Fund [to the General Fund for the Department of Public Works]	\$ 100,000
Recreation Revolving Fund [to the General Fund for benefits reimbursement]	\$460,000

**12.) COMMUNITY PRESERVATION FUNDS**

- a) To appropriate \$138,129 from FY2023 Community Preservation Fund revenues for committee administrative expenses:

Salaries	38,129
Contingency	100,000

**13.) HOST COMMUNITY FUNDS**

Appropriate \$1,007,293 to be expended under the direction of the Town Administrator for marijuana mitigation activities, and to meet the appropriation transfer \$1,007,293 from the HCA stabilization fund.

**14.) BUDGETARY REPORTING:** The Town Comptroller shall provide the Advisory Committee with a report on the budgetary condition of the Town as of September 30, December 31, March 31, and June 30, within 45 days of said dates. This financial report shall include a summary of the status of all annual and special appropriations voted in this article; a report on the status of all special appropriations voted in prior years which remain open at the reporting date; and a summary of the status of all revenues and inter-fund transfers which have been estimated to finance the appropriations voted under this article.

**15.) SPECIAL APPROPRIATIONS:** The appropriations set forth as items 35 through 69, inclusive, in Table 1 shall be specially appropriated for the following purposes. In addition, with



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the exception of Items #64 - 69, they shall be transferred from the General Fund to the Revenue-Financed Capital Fund.

Appropriate sums of money for the following special purposes:

- 37.) Raise and appropriate \$900,000, to be expended under the direction of the Police Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades/replacement of the Police and Fire Department's radio infrastructure.
- 38.) Raise and appropriate \$450,000, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board for Public Safety Building locker room improvements.
- 39.) Raise and appropriate \$560,000, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for traffic calming.
- 40.) Raise and appropriate \$472,000, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for bike access improvements.
- 41.) Raise and appropriate \$188,000, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for parking meter technology upgrades.
- 42.) Raise and appropriate \$50,000, to be expended under the direction of the Commissioner of Public Works, for Accessible Pedestrian Signal Conversions.
- 43.) Raise and appropriate \$1,880,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of streets.
- 44.) Raise and appropriate \$353,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of sidewalks.
- 45.) Raise and appropriate \$700,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the Washington Street Rehabilitation and Complete Streets Project.
- 46.) Raise and appropriate \$200,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be

approved by the Select Board, for the renovation of playground equipment, fields, and fencing.

- 47.) Raise and appropriate \$90,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of Town and School grounds.
- 48.) Raise and appropriate \$350,000, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board and the Tree Planting Committee, for the removal and replacement of trees and to meet the appropriation transfer \$50,000 from the balance remaining in the appropriation voted under Section 13, Special Appropriation No. 38 of Article 9 of the 2019 Annual Town Meeting.
- 49.) Raise and appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.
- 50.) Raise and appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commissioner for underground tank removal.
- 51.) Raise and appropriate \$85,000, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.
- 52.) Raise and appropriate \$100,000, to be expended under the direction of the Building Commissioner for energy conservation projects in Town and School facilities.
- 53.) Raise and appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for upgrades to energy management systems in Town and School facilities.
- 54.) Raise and appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Board of Select Board and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.
- 55.) Raise and appropriate \$1,827,048, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Select Board and the School Committee, for the expansion of classroom capacity in various schools.
- 56.) Raise and appropriate \$700,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for the replacement of Fire Engine #1 and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$700,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and

authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

- 57.) Raise and appropriate \$1,350,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the upgrade of the Washington/Harvard/Kent/Davis traffic signal, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$1,350,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.
- 58.) Raise and appropriate \$600,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for storm water improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$600,000 under General Laws, Chapter 44, Section 8(5), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.
- 59.) Raise and appropriate \$2,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water system improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$2,000,000 under General Laws, Chapter 44, Section 8(5), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.
- 60.) Raise and appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for wastewater system improvements and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$3,000,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.
- 61.) Raise and appropriate \$140,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for upgrades to the fuel system at the Netherlands Road facility, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$600,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other

forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

- 62.) Raise and appropriate \$3,210,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the design and renovation of Skyline Park and to meet the appropriation authorize the Treasurer, with the approval of the Select Board, to borrow \$3,210,000, under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose. Raise and appropriate \$2,800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the environmental restoration of Willow Pond, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$600,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.
- 63.) Raise and appropriate \$2,800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the environmental restoration of Willow Pond, and to meet the appropriation, authorize the Treasurer, with the approval of the Select Board, to borrow \$600,000 under General Laws, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.
- 64.) Raise and appropriate \$650,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Select Board and, with respect to School Buildings, by the School Committee, for building roof repairs to Town and School facilities and to meet the appropriation, authorize the Treasurer with the approval of the Selectmen, to borrow \$750,000 under General Law, Chapter 44, Section 7(1), as amended, or pursuant to any other enabling authority; and authorize the Select Board to apply for, accept, receive and expend grants, aid, reimbursements, loans, and all other forms of funding and financial assistance from both state and federal sources and agencies for such purpose.

16.) **FREE CASH:** Appropriate and transfer \$11,606,813 from free cash for the following purposes:

- a.) Operating Budget Reserve Fund (MGL Chapter 40, Section 6) – \$732,511;
- b.) Liability/Catastrophe Fund (Chapter 66 of the Acts of 1998, as amended) – \$132,489;

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- c.) Stabilization Fund (MGL Chapter 40, Section 5B) - \$3,500,000
- d.) Reduce the tax rate (Special Appropriations) – \$6,814,801;
- e.) Housing Trust Fund – \$427,012;

XXX

ARTICLE 9NINETH ARTICLE

Submitted by: Director of Human Resources

To see if the Town will amend the General By-Laws, Part IV, Financial and Reports, Article 8.4, Living Wage By-Law, Section 8.4.2, Living Wage, as follows (additions are underlined and deletions appear in stricken text):

## SECTION 4.8.2 LIVING WAGE

(a) The town of Brookline (“town”) shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.

(b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the “living wage” and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town’s general pay schedule, beginning in the year 2003.

(c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

**(d)Should the adjusted “living wage” fall below the “minimum wage” as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the minimum wage.**

Or act on anything relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

**Background and Purpose:** The Living Wage Bylaw, currently at \$14.90 per hour, was adopted in 2001 for the purpose of increasing wages for certain lower paid positions and ensuring wage protection into the future. During the twenty years since its implementation, the Living Wage Bylaw has served the important purpose of providing wage protection to part-time and temporary employees who are not covered by a collective bargaining agreement, including those who may depend on their wages as their primary source of income. This article proposes to address an issue that has developed as a result of the progressive increase in the State Minimum Wage over the last several years to bring it to \$15.00 per hour (“The Great Bargain”). The article provides for a review of wages where the Brookline Living Wage ends up being lower than the Brookline Minimum Wage. In only those specific cases, it provides for an adjustment to be made in the Brookline Living Wage to be \$1.00 more than the Brookline Minimum Wage.

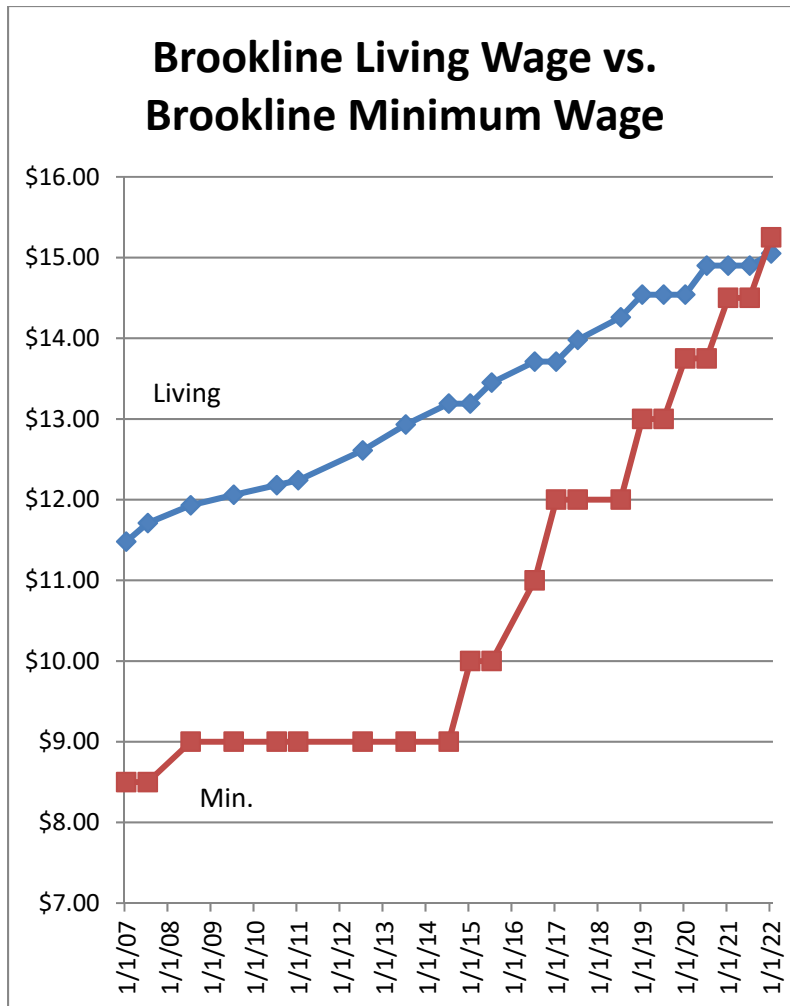
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As of January 1, 2022, the State Minimum Wage is \$14.25 with a resulting wage for Non Living Wage employees of \$15.25. However, the Brookline Living Wage is only \$14.90, as a wage increase for non-union employees has not been approved for FY22. Even with the proposed wage increase of one percent falling in line with the FY22 Adjusted Budget collective bargaining reserve, the Brookline Living Wage will only rise to \$15.05 per hour.

Town of Brookline Living Wage History		
Date	Living Wage*	Min Wage**
1/1/07	\$11.48	\$8.50
7/1/07	\$11.71	\$8.50
7/1/08	\$11.93	\$9.00
7/1/09	\$12.06	\$9.00
7/1/10	\$12.18	\$9.00
1/1/11	\$12.24	\$9.00
7/1/12	\$12.61	\$9.00
7/1/13	\$12.93	\$9.00
7/1/14	\$13.19	\$9.00
1/1/15	\$13.19	\$10.00
7/1/15	\$13.45	\$10.00
7/1/16	\$13.71	\$11.00
1/1/17	\$13.71	\$12.00
7/1/17	\$13.98	\$12.00
7/1/18	\$14.26	\$12.00
1/1/19	\$14.54	\$13.00
7/1/19	\$14.54	\$13.00
1/1/20	\$14.54	\$13.75
7/1/20	\$14.90	\$13.75
1/1/21	\$14.90	\$14.50
7/1/21(1)	\$15.05	\$14.50
1/1/22	\$15.05	\$15.25
	* Follows non-union COLAs	
	** +\$1 MA Min Wage	
	(1) Assumes 7/1/21 retro 1% non-union COLA	



This article would result in a continuation of the intent of the By-Law to provide wage protection to wage protection to part-time and temporary employees who are not covered by a collective bargaining agreement, including those who may depend on their wages as their primary source of income. In all, approximately four percent (4%) of employees are covered under the Brookline Living and Minimum Wage positions.

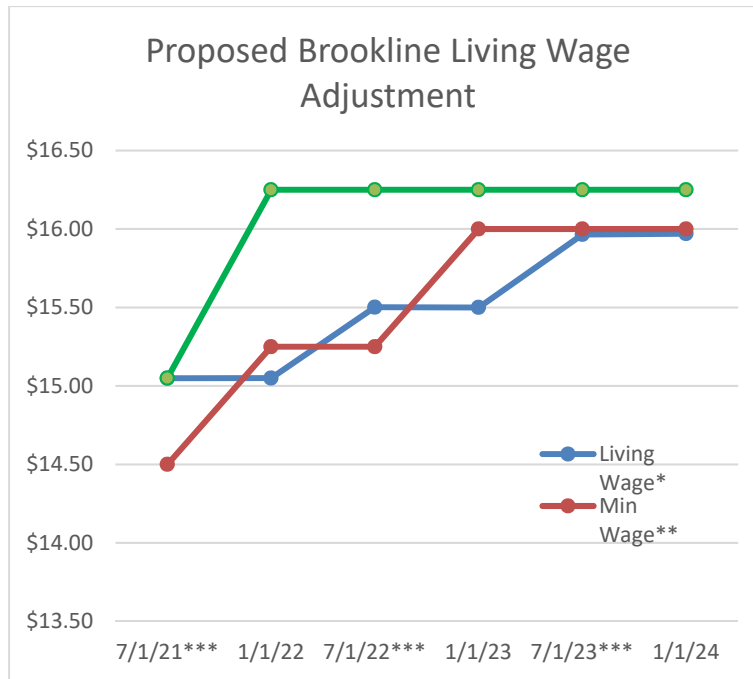
The article provides a technical mechanism for review when the situation warrants. It also has an impact on the budgets of affected departments, but more importantly has an impact on the services provided. Given the economy and impacts from the COVID-19 pandemic, it has become increasingly difficult to recruit for all positions, but these roles are particularly difficult to recruit and retain employees. The covered positions provide a critical role in the programs and offerings that the Town provides and improve the quality of life of our residents.



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Brookline Living Wage Proposal			
Date	Living Wage*	Min Wage**	Adjusted Living Wage
7/1/21***	\$15.05	\$14.50	\$15.05
1/1/22	\$15.05	\$15.25	\$16.25
7/1/22***	\$15.50	\$15.25	\$16.25
1/1/23	\$15.50	\$16.00	\$16.25
7/1/23***	\$15.97	\$16.00	\$16.25
1/1/24	\$15.97	\$16.00	\$16.25
	* Follows non-union COLAs		
	** +\$1 MA Min Wage		
	*** Assumed wage increase 1%, 3%, 3%		

## Living Wage Positions:

LIBRARY PAGE 1-3 NON UNION  
 COA ASSISTANTS-TEMP  
 REC ASST REC LEADER EKAC/JR  
 REC BEEC ASST REC LEADER/JR  
 REC EKAC INSTRUCTOR  
 REC EKAC LIFEGUARD  
 REC GOLF ASST REC LEADER/JR  
 REC GOLF GREENSKEEPER  
 REC GYM REFEREE JR

REC JKSR CONCESSIONS  
 REC JKSR SKATE GUARD JR  
 REC OATH REFEREE  
 REC OFAC ASST REC LEADER/JR  
 REC OFAC CAMP INSTRUCTOR  
 REC OFAC LIFEGUARD  
 REC OFFST ASST REC LEADER/JR  
 REC TPPN ASST REC LEADER/JR  
 REC TPPN PT MANAGER  
 REC TPPN REFEREE JR  
 REC TPPN SCOREKEEPER  
 VETERANS JOB PROGRAM-TEMP

**Minimum Wage Positions:**

LIBRARY PAGE 1-3 NON UNION  
 REC EKAC LIFEGUARD  
 REC OFAC LIFEGUARD  
 COA ASSISTANTS-TEMP  
 INTERNS-TEMP (Health Grad Students)  
 MISC TEMP LIVING WAGE  
 REC ASST REC LEADER EKAC/JR  
 REC BEEC ASST REC LEADER/JR  
 REC EKAC INSTRUCTOR  
 REC EKAC INSTRUCTOR JR  
 REC EKAC LIFEGUARD JR  
 REC EKAC PT MGR  
 REC GOLF ASST REC LEADER/JR  
 REC GYM ASST REC LEADER/JR  
 REC GYM REFEREE  
 REC JKSR ASST REC LEADER/JR  
 REC JKSR CONCESSIONS  
 REC JKSR RENTAL SHOP  
 REC JKSR SKATE GUARD JR  
 REC OATH REFEREE  
 REC OATH REFEREE JR  
 REC OFAC ASST REC LEADER/JR  
 REC OFAC CAMP COUNSELOR  
 REC OFAC CAMP COUNSELOR JR  
 REC OFAC CAMP INSTRUCTOR  
 REC OFFST ASST REC LEADER/JR  
 REC RT SPECIALIST/INTERN  
 REC SOULE LIFEGUARD  
 REC TPPN ASST REC LEADER/JR  
 REC TPPN REFEREE JR

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**SCHOOL COMMITTEE STATEMENT**

On April 7, 2022, the School Committee voted 8-0-1 to recommend passage of WA9.  
 Voting in favor were Ms. Federspiel, Mr. Pearlman, Ms. Charlupski, Ms. Ditkoff, Dr.

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Ehrenberg, Ms. Frias, Dr. Liu, and Ms. Monopoli. Ms. Nobrega abstained because one of her children worked as a summer high school employee.

In the interest of supporting lower wage employees, some of whom are employed by the Public Schools of Brookline, the School Committee supports the review and adjustment of the living wage calculation to ensure that the Brookline Living Wage exceeds the Brookline Minimum Wage.

#### SELECT BOARD'S RECOMMENDATION

Article 9 is a proposed change to the Town's Living wage by-law to ensure that the Brookline Living Wage does not fall below the Brookline Minimum Wage. The Select Board agree that the changes proposed by the HR Director meet the intent of what the original by-law language was trying to achieve. The Board thanks Ms. Braga for proactively solving this potential problem.

The Select Board unanimously voted 5-0 on the following motion:

VOTED: That the Town will amend the General By-Laws, Part IV, Financial and Reports, Article 8.4, Living Wage By-Law, Section 8.4.2, Living Wage, as follows (additions are underlined and deletions appear in stricken text):

#### SECTION 4.8.2 LIVING WAGE

(a) The town of Brookline ("town") shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.

(b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the "living wage" and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town's general pay schedule, beginning in the year 2003.

(c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

**(d)Should the adjusted "living wage" fall below the "minimum wage" as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the minimum wage.**

*\*After the Board vote, the Advisory Committee added a minor amendment to this motion. The Board will look to reconcile that change on May 10<sup>th</sup>.*

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ADVISORY COMMITTEE'S RECOMMENDATION

**Recommendation:** FAVORABLE ACTION as amended by a vote of 20-2 with 2 abstentions

<b>Executive Summary:</b>	This article seeks to adjust the calculation of the Brookline Living wage to better reflect the original intent of Article 4.8. Article 4.8 established both a Brookline Living Wage and a Brookline Minimum Wage. The Brookline minimum wage is calculated by adding \$1 dollar to the Massachusetts minimum wage. At the time of passage it was anticipated the calculated Brookline Living Wage would be higher than the Brookline Minimum wage. That may be about to change because Brookline pegs its minimum wage against that of the State.
<b>Voting Yes will...</b>	Change the calculation of the Brookline Living Wage by adding the following language to Article 4.8.2:  (d) Should the adjusted "living wage" fall below the Brookline "minimum wage" as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the Brookline minimum wage.  Voting yes will ensure that Brookline's Living Wage is always at least \$1.00 more than the Brookline Minimum Wage.
<b>Voting No will...</b>	Will leave Article 4.8 unchanged and may result in a situation where increases in the Massachusetts Minimum Wage will cause the Brookline Living Wage to fall below the Brookline Minimum Wage.
<b>Financial impact</b>	Since the vast majority of Brookline's hourly employees already make more than both the Brookline Minimum Wage and the Brookline Living Wage it is felt that this article will have a minor financial impact on the Town.
<b>Legal implications</b>	Article 4.8 requires the Town to post information about both the Brookline Minimum Wage and the Brookline Living Wage and requires both the Town and <i>certain contractors who do business with the Town</i> to abide by these minimum pay scales. If a covered employer violates this By-law the Town may terminate their contract and/or levy an appropriate fine.

**Introduction**

This Amendment to By-Law 4.8 seeks to clarify and modify the calculation of the Brookline Living Wage and to align the By-Law with the original intent Article 4.8,

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which was to have the Brookline Living Wage be higher than the Brookline Minimum Wage. This change is necessary because it has not been possible for the Living Wage, as currently calculated, to keep up with the increases in the Brookline Minimum wage, which are being driven by the increase in the Massachusetts Minimum Wage.

### **Evaluation Methodology/Research**

Before proposing this amendment, the Human Resources Department of the Town of Brookline reviewed our current pay policies to determine if any Town Department would be significantly adversely impacted by the amendment. It determined that this adjustment was unlikely to have an adverse impact on the budgets of any Town Department.

### **Discussion**

Brookline's Minimum and Living Wages create an intentional stratification. The Minimum Wage may apply to certain seasonal or entry-level positions, as opposed to the somewhat higher Living Wage that can apply to employees with more experience or with more oversight responsibility (e.g. Jr. Lifeguard vs Sr. Lifeguard).

This Article is proposed in order to align the outcome of the calculation for the Brookline Living Wage with the original intent of the Town when it passes Article 4.8. Article 4.8 requires the Town to notice all employees and, importantly, all businesses with service contracts with the Town for more than \$5,000, with notice of the Brookline Minimum Wage and the Brookline Living Wage. The notices reflect the values imbedded in Article 4.8 of the Town By-law. While there was some discussion at the Advisory Committee about whether or not By-law 4.8 was still needed given the recently approved increases in the Massachusetts minimum wage that have been approved by the legislature, this article does not address that. This article only seeks to clarify and modify the calculation for the Brookline Living Wage so that, at the very least, our Living Wage always remains \$1.00 more than our Minimum Wage

The Advisory Committee recommended one clarifying change: to add the word "Brookline" to clarify that the "Brookline minimum wage" is distinct from the State or Federal minimum wages.

### **Recommendation**

The Advisory Committee Recommends Favorable Action on the following amended motion under Warrant Article 9 by a vote of 20-2 with 2 abstentions.

**VOTED:** That the Town amend the General By-Laws, Part IV, Financial and Reports, Article 8.4, Living Wage By-Law, Section 4.8.2, Living Wage, and the title of Section 4.8.3 as follows (additions are underlined):

#### **SECTION 4.8.2 LIVING WAGE**

(a) The town of Brookline ("town") shall pay each of its employees no less than \$10.30 an hour except as provided in Section 4.8.5 and in collective bargaining agreements with the town under G.L. c. 150E, section 7.

(b) The wage prescribed in paragraph (a) of this Section 4.8.2 shall be known as the “living wage” and shall be adjusted annually by the same percentage and on the same schedule relative to wage adjustments given to full-time, nonunion town employees on the town’s general pay schedule, beginning in the year 2003.

(c) The living wage shall also be adjusted annually at the time of and after the adjustment set forth in paragraph (b) of this Section 4.8.2 if necessary to insure that as so adjusted, it is at least one dollar more than the state minimum wage in effect under G.L. c.151 at the time of such adjustment.

**(d) Should the adjusted “living wage” fall below the “Brookline minimum wage” as defined in Section 4.8.3, the Town shall adjust the living wage to be one dollar (\$1.00) more than the minimum wage.**

SECTION 4.8.3 **BROOKLINE** MINIMUM WAGE

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## ARTICLE 9 ADVISORY COMMITTEE VOTES

Article Description	Living wage, as amended
AC recommendation (Favorable Action unless indicated)	20-2-2
Scott Ananian	Y
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	Y
Cliff Brown	
John Doggett	A
Katherine Florio	Y
Harry Friedman	Y
David-Marc Goldstein	Y
Neil Gordon	A
Susan Granoff	Y
Kelly Hardebeck	Y
Anita Johnson	Y
Georgia Johnson	Y
Alisa Jonas	Y
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	N
Donelle O'Neal, Sr.	Y
David Pollak	Y
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	
Alok Somani	N
Christine Westphal	Y
Dennis Doughty *	
* Chairperson does not vote except to break a tie	

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ARTICLE 11ELEVENTH ARTICLE

Submitted by: Brookline Retirement Board

To see if the Town will accept the provisions of Section 103(j) of Massachusetts General Laws Chapter 32, as amended by Section 19 of Chapter 133 of the Acts of 2010 to permit an increase to the base upon which the cost of living increases may be granted to Town retirees from the first \$13,000 to the first \$15,000 of the retirement allowance.

Or act on anything relative thereto.

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PETITIONER'S ARTICLE DESCRIPTION

This article is inserted in the warrant at the request of the Brookline Retirement Board, which voted unanimously on March 7, 2022 to adopt this section.

Section 19 of Chapter 133 of the Acts of 2010 authorizes municipal retirement boards to increase the COLA base in increments of \$1,000 for members and surviving spouses of members of the retirement system receiving retirement allowances on June 30<sup>th</sup> of the prior fiscal year.

By taking favorable action on this Article, the Town will accept a local option which increases the base upon which the cost of living increase may be granted to Town retirees, from a maximum of 3% of the first \$13,000 of a retirement allowance, to the first \$15,000 of a retirement allowance. Sixty four of one hundred and four Massachusetts Retirement Systems now have a COLA base greater than \$13,000. The present cap of \$13,000 was set by the Town nine years ago, and under the present cap a 3% annual cost of living increase for Brookline Retirees can be no higher than \$390.00 per year. Increasing the base to \$15,000 will result in a \$60.00 annual increase, bringing the COLA increase to \$450.00.

The Social Security COLA effective January 1, 2022, which is based on the Consumer Price Index, was 5.9% on the full Social Security benefit. For example the 5.9% increase for a Social Security retiree based on a \$20,000 benefit, would have resulted in a \$1,180.00 annual increase. The vast majority of Brookline retirees do not receive Social Security benefits.

Currently, the retirement COLA which has been factored into the system's funding schedule is 3% of the first \$13,000. The Retirement's Board's actuary estimates that the amortization of this new COLA base would add approximately \$100,000 per year to that schedule. The funding schedule will be revised to anticipate the possibility of a 3% COLA each year on the first \$15,000. The system has benefitted from double-digit investment gains over the past three years. In addition, legislative reforms revising the retirement benefit formula, membership criteria, and a reduction in administrative expenses are



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expected to substantially offset any increases to the funding schedule resulting from the increase in the COLA base.

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### SELECT BOARD'S RECOMMENDATION

A report and recommendation under Article 11 will be in the supplemental meeting.

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### ADVISORY COMMITTEE'S RECOMMENDATION

**Recommendation:** Favorable Action on Warrant Article 11 by a vote of 21-0 with 1 abstention.

<b>Executive Summary:</b>	This Article was filed by the Retirement Board and seeks to increase the base amount used to calculate the Cost of Living (COLA) increase given to retirees each year from \$13,000 to \$15,000 which will add an additional \$60 dollars, to the annual COLA. This would make the COLA for this year \$450 dollars per retiree.
<b>Voting Yes will...</b>	Increase the amount used to calculate the COLA for retirees an additional \$2,000 from \$13,000 to \$15,000
<b>Voting No will...</b>	Will leave the base amount used to calculate the COLA at \$13,000 or \$390 per year for each retiree.
<b>Financial impact</b>	The Retirement Board believes that the yearly increase in the cost of retirement benefits paid by the Town would total approximate \$49,000 dollars, since there are approximately 850 retired Town employees collecting pensions.
<b>Legal implications</b>	None. After a review by the actuaries, the Retirement Board has determined that this increase would not impact the time line to reach full funding of the Town's retirement obligations.

### **Introduction**

Article 11 was submitted by the Brookline Retirement Board and seeks to increase the amount of the base used to calculate cost living increases for Brookline retirees from \$13,000 to \$15,000. State law regulates both the cost of living increase percentage (currently 3%) and the yearly amount of retirement payout to which that percentage is applied. Currently the cost of living increase is calculated using a payout base of \$13,000 which would result in an increase of the annual payout to retirees of \$390, assuming the retiree had a pension of at least \$13,000. State law allows that base to be increased with a

vote of Town Meeting. If Town Meeting approves the increase of the base amount to \$15,000, the yearly payout to retirees with pensions of at least that amount would increase by an additional \$60 dollars, making the cost of living adjustment added to a retirees yearly payout by \$450 dollars.

**Evaluation Methodology/Research**

The Retirement Board asked its actuaries to determine if this increase would impact the Town's timeline for reaching full funding of the Town's retirement obligations and the actuaries determined that given the Town's historic rate of return this increase would not impact the time line for the Town to reach full funding of its retirement obligations.

**Discussion**

The Retirement Board thought that a small increase in the based used to calculate the COLA for the Town's retirees was appropriate given the recent uptick in inflation. While this increase will not have a significant impact on recent retirees, the Town has a number of retirees who are older and collecting much smaller pensions; for those retirees even a small increase is welcome. Since the increase will not impact the time line for the Town to reach full funding of its pension obligations the Advisory Committee supported the increase in the base used to calculate the COLA.

**Recommendation**

The Advisory Committee recommends FAVORABLE ACTION on the following motion under Warrant Article 11 by a vote of 21-0 with 1 abstention:

**VOTED:** That the Town accept the provisions of Section 103(j) of Massachusetts General Laws Chapter 32, as amended by Section 19 of Chapter 133 of the Acts of 2010 to permit an increase to the base upon which the cost of living increases may be granted to Town retirees from the first \$13,000 to the first \$15,000 of the retirement allowance.

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## ARTICLE 11 ADVISORY COMMITTEE VOTES

Article Description	COLA adjustment
AC recommendation (Favorable Action unless indicated)	21-0-1
Scott Ananian	Y
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	Y
Cliff Brown	
John Doggett	Y
Katherine Florio	Y
Harry Friedman	Y
David-Marc Goldstein	Y
Neil Gordon	A
Susan Granoff	Y
Kelly Hardebeck	
Anita Johnson	Y
Georgia Johnson	Y
Alisa Jonas	Y
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	Y
Donelle O'Neal, Sr.	Y
David Pollak	Y
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	
Alok Somani	
Christine Westphal	Y
Dennis Doughty *	
* Chairperson does not vote except to break a tie	

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ARTICLE 12TWELFTH ARTICLE

Submitted by: Sandy Batchelder on behalf of the CDICR, with Mariah Nobrega and Deborah Brown

To see if the Town will amend the Town's General By-laws, 3.14 as follows (language to be stricken appearing in ~~strikeout~~, language to be added appearing in underline):

**ARTICLE 3.14**

**COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS AND  
OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS**

**SECTION 3.14.1 ESTABLISHMENT AND PURPOSE**

This By-law establishes the Commission for Diversity, Inclusion, and Community Relations ("Commission" or "CDICR") and the Office of Diversity, Inclusion, and Community Relations ("Office" or "ODICR").

Valuing diversity, ~~and inclusion, and equity~~ in and for the Brookline community, the Commission, in coordination with the Office, aims to support a welcoming environment by encouraging cooperation, tolerance, and respect among and by all persons who come in contact with the Town of Brookline ("Town"), including residents, visitors, persons passing through the Town, employers, employees, and job applicants, and by advancing, promoting and advocating for the human and civil rights of all through education, awareness, outreach and advocacy.

The Purpose of the Commission and the goal of the Town shall be to strive for a community characterized by the values of inclusion and equity. The Town believes that inclusion will provide opportunities and incentives to all who touch Brookline to offer their energy, creativity, knowledge, and experiences to the community and to all civic engagements, including town government; and that inclusion is, therefore, a critically important government interest of the Town.

Inclusion is defined as actively pursuing goals of including, integrating, engaging, and welcoming into the community all persons who come in contact with the Town regardless of their race, color, ethnicity, gender, sexual orientation, gender identity or expression, disability, age, religion, creed, ancestry, national origin, military or veteran status, genetic information, marital status, receipt of public benefits (including housing subsidies), or family status (e.g. because one has or doesn't have children) (herein, "Brookline Protected Classes").

In striving to achieve the goal of inclusion, the Commission

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shall be guided by the following general principles: (1) the foundation of community is strong and positive community relations among and between all groups and individuals in the community, regardless of their membership in a Brookline Protected Class; (2) the substance of community is the recognition of human rights principles as applicable to all persons who come in contact with the Town; (3) justice in a community requires, at a minimum, monitoring and enforcing civil rights laws as they apply to all persons who come in contact with the Town; and (4) the commitment of the Town to these principles requires vigorous affirmative steps to carry out the word and spirit of the foregoing.

The Commission shall consist of fifteen (15) residents, who shall be called Commissioners.

Commissioners shall be appointed by the Select Board and shall hold office for a period of not more than three (3) years with terms of office expiring on August 31 of an appropriate year in a staggered manner so that approximately one-third (1/3) of the terms of the Commissioners will expire each year. A Commissioner whose term is expiring is expected to submit their renewal application to the Select Board not later than August 1 of the expiration year. The term of a Commissioner who does not submit a renewal application in a timely manner shall expire on August 31 of that year. The term of a Commissioner who submits a timely renewal application shall then be extended until notified by the Town Administrator that the renewal application has been acted upon. If the application is denied, the term of that Commissioner shall expire five (5) days after the date of the denial letter. If the application is approved, the term shall expire on August 31 of the year specified in the approval letter.

The Select Board may appoint additional non-voting associate members (in accordance with Section 3.1.5) as it determines to be necessary, which may include youth or persons who do not reside in Brookline but have a substantial connection to Brookline or to the Brookline Public Schools. The Select Board shall select one of its members to serve *ex officio* as a nonvoting member of the Commission. A quorum of the Commission shall consist of a majority of the serving members on the Commission, with a minimum of six.

The Select Board shall seek a diverse and inclusive group of candidates for the Commission, which may include youth. Candidates for Commissioner shall be qualified for such appointment by virtue of demonstrated relevant and significant knowledge, life experience, or training. The composition of the Commission shall include persons with the types of such knowledge, experience, or training necessary to enable the Commission to perform the duties assigned to it by this By-law. All Commissioners shall serve without compensation.

In the event of discontinuance of the service of a Commissioner due to death or resignation, such Commissioner's successor shall be appointed to serve the unexpired period of the term of said Commissioner. The Commission may recommend to the Select Board candidates to fill such vacancies.

**SECTION 3.14.2 APPOINTMENT, ROLES AND RESPONSIBILITIES OF THE DIRECTOR AND CHIEF DIVERSITY OFFICER**

There shall be an Office of Diversity, Inclusion and Community Relations ("Office"), which shall be a unit of the Select Board's Office, and led by a professional in the field of civil rights ~~human relations~~ or similar relevant field of knowledge, who shall be known as the Director of the Office of Diversity, Inclusion and Community Relations ("Director"), and that person shall also serve as the Chief Diversity Officer ("CDO") for the Town. In the event of a vacancy in the position of Director, the Town Administrator, after consultation with the Commission, shall recommend to the Select Board a replacement with appropriate qualifications.

The Director shall offer professional and administrative support to the Commission in the administration of its functions and policies under this By-law or any other By-law giving the Commission responsibilities. If needed, the Director shall ask for additional assistance to carry out the Director's duties. ~~The Office shall be physically situated in whatever department the Town Administrator determines would most easily provide the Director any such assistance.~~

The Director shall be a Department Head/Senior Administrator and shall report to the Town Administrator.

The Director/CDO may bring a matter directly to the attention of the Select Board in the event that person believes, in their professional judgment, that a particular situation so warrants. The CDO works with the Human Resources Office to promote diversity and inclusion.

The CDO shall serve in the role of ombudsperson to provide information and guidance and manage the complaint process as described in Section 3.14.3 (B). ~~dispute resolution services to all persons who come in contact with the Town who feel that they have been discriminated against or treated unfairly due to their membership in a Brookline Protected Class, or in relation to Fair Housing or Contracting issues, interactions with businesses or institutions in the Town, or interactions with the Town and/or employees of the Town.~~

The CDO shall be responsible, with the advice and counsel of the Commission, the Human Resources Director, and the Human Resources Board, for the preparation and submission to the Select Board of a recommended diversity and inclusion policy for the Town,

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including equal employment opportunity and affirmative action, and recommended implementation procedures. The diversity and inclusion policy shall address hiring, retention and promotion, and steps to ensure a work environment that is friendly to diversity and inclusion. The policy shall also describe ways in which to increase diversity and inclusion at public and private institutions.

~~The CDO shall respect the rights to privacy and confidentiality of all individuals to the fullest extent required by law. The CDO may attempt to mediate disputes/complaints and/or to refer such complainants to the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, the Office of Town Counsel, or such other body as the CDO deems appropriate. The Director/CDO shall report on these incidents to the Commission in terms of issues and trends but shall show full respect for the rights to privacy and confidentiality of the individuals involved to the fullest extent required by law. In the event that a person who comes in contact with the Town, except for employees of the Town, chooses to bring a complaint to the Commission after seeking the services of the CDO in said officer's role as an ombudsperson, the Director/CDO may discuss the case in general terms with the Commission (see Section 3.14.3(A)(v)).~~

~~The CDO shall also serve as an ombudsperson for employees of the Town if they feel they have been discriminated against or treated unfairly on the basis of membership in a Brookline Protected Class. The CDO may attempt to mediate such disputes or refer such employees to the Human Resources Office, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunity Commission, their union representative, and/or such other body that the CDO deems appropriate. The Director/CDO shall hold all such Town employee matters in confidence and shall respect the privacy rights of any such individuals but may discuss with the Commission, in general terms, the problems or issues that such individual cases, provided, however, doing so does not violate any person's rights to privacy.~~

### **SECTION 3.14.3 POWERS AND DUTIES OF THE COMMISSION**

- (A) To implement the Mission of the Commission and the Office, the Commission, with the assistance of the Director and the Director's staff, shall have the following responsibilities:
  - (i) Strive to eliminate discriminatory barriers to jobs, education, and housing opportunities within the Town and work to increase the capacity of public and private institutions to respond to discrimination against individuals in the Town based on their membership in a Brookline Protected Class;

- (ii) Enhance communications across and among the community to promote awareness, understanding and the value of cultural differences, and create common ground for efforts toward public order and social justice;
- (iii) Work with the Select Board, the Town's Human Resources Office, the School Committee, and other Town departments, commissions, boards, and committees to develop commitments and meaningful steps to increase diversity and inclusion, and awareness of and sensitivity to civil and human rights in all departments and agencies of Town government;
- (iv) Provide advice and counsel to the CDO on the preparation of a diversity and inclusion policy for recommendation to the Select Board, including equal employment opportunity and affirmative action procedures, or amendments or revisions thereto, and make recommendations ~~suggestions~~ through the CDO to the Human Resources Director, the Human Resources Board, and the School Committee on the implementation of the diversity and inclusion policy;
- (v) Receive complaints of discrimination against individuals based on their membership in a Brookline Protected Class as described in 3.14.3 (B);
- (vi) ~~Receive Complaints Against the Town, directly or through the CDO, against the Town, its employees, agencies, or officials concerning allegations of discrimination or bias from all persons who come in contact with the Town, except Town employees (see Section 3.14.2), and after notifying the Town Administrator, the Commission shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Select Board, Library Trustees or Moderator as appropriate within 90 days of receipt of the complaint. The Commission/CDO, may in addition provide the complainant with information on complainant's options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agencies. This By-law does not preclude any complainant from alternatively or additionally using other complaint procedures, such as the Police Department's Civilian Complaint Procedure or the Human Resources Office's procedures;~~
- (vii) ~~Receive Complaints Against the Public Schools of Brookline, directly or through the CDO, against the Public Schools of Brookline, its employees, agencies, or officials concerning allegations of discrimination or bias from all persons who come in contact with the Schools, except school employees, and, after notifying the Superintendent of Schools, the Assistant Superintendent for Human Resources,~~



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~~and/or the School Committee of the complaint, the Commission shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Superintendent and/or School Committee as appropriate within 90 days of receipt of the complaint. The Commission/CDO, may in addition provide the complainant with information on complainant's options regarding dispute resolution and the boards, agencies, or courts to which the complainant may file a complaint. The Public Schools of Brookline are encouraged to engage the expertise and/or resources of the CDO/Commission when pursuing resolution of any such complaints and/or when revising policies and procedures relative to diversity and inclusion.~~

- ~~(viii) Receive Other Complaints from any person who comes in contact with the Town, concerning allegations of discrimination or bias against a member of a Brookline Protected Class. After receiving such a complaint, the Commission shall (1) investigate the complaint by interviewing the complainant and any witnesses, (2) prepare written findings, and (3) recommend appropriate action to the Select Board within 90 days of receipt of the complaint. The Commission/CDO may in addition provide the complainant with information on complainant's options to bring proceedings at the Massachusetts Commission Against Discrimination or other appropriate federal, state, or local agencies.~~
- ~~(ix) The Commission shall develop, to the extent permissible by law, a log for the complaints referred to in subsections (v), (vi) above, provided that such publication contains public record information only and does not violate anyone's right to privacy, and the Commission shall compile and maintain statistical records regarding the nature of complaints, types of incidents, number and types of complaints, and other pertinent information, without identifying specific individuals, and include such information in the annual report filed with the Board pursuant to Section 3.14.6 of this By-law.~~
- ~~(x) Develop official forms for the filing of complaints under paragraphs (v) and (vi) above and also procedures for the receipt of such complaints and follow-up by the Commission to the extent not inconsistent with the procedures set forth in paragraphs (v) and (vi);~~
- ~~(xi) Carry out the responsibilities and duties given to the Commission by rules or regulations, if any, promulgated under Section 3.14.4 of this By-law in relation to its Fair Housing responsibilities, as authorized by law, under By-law 5.5;~~

- (xii) ~~With respect to any complaints or patterns of complaints involving the civil or human rights of any persons who come in contact with the Town, work with the CDO, in such officer's role as ombudsperson, to facilitate changes that will reduce and eliminate violations of rights,~~
- (xiii) Institute and assist in the development of educational programs to further community relations and understanding among all persons in the Town, including Town employees;
- (xiv) Serve as an advocate for youth on issues arising in the schools and the community, concerning diversity, and inclusion, and equity, and encourage public and private agencies to respond to those youth needs.
- (B) To carry out its responsibilities, the Commission shall establish a Complaint Committee (CC) charged with investigating and receiving complaints, directly or through the Chief Diversity Officer (CDO). Complaints involving allegations of discrimination may be made by persons or organizations against the Town, its employees, agencies, or officials or against another person or organization concerning incidents of discrimination occurring in Brookline. A third party may also file a complaint on a person or organization's behalf, or on behalf of a class of people. These complaints may involve, but are not limited to, employment, public accommodations, housing, policing, education, and provision of services, health care, or credit. Furthermore, this Bylaw shall be applicable to students, faculty and staff of the School Department to the extent permitted by federal law (including, but not limited to, Title IX).
  - (i) The CC shall work with the CDO to provide reasonable accommodations and translators if needed for individuals with limited English proficiency or other communication or access issues.
  - (ii) The CC shall consist of not more than 5 persons chosen by the Commission for one year renewable terms. The CC shall include attorneys or other individuals with applicable legal and/or civil rights experience as well as members of historically marginalized communities. Members of the CC must be residents of Brookline and at least one shall be a member of the Commission. The CC shall choose its Chair for one year renewable terms. The CDO and its staff shall be the staff for the CC.
  - (iii) The CC shall create a complaint form but may receive complaints in any written form or orally. The CC shall take steps to publicize its procedures and encourage the public

- to file complaints if they believe they have been the subject of discrimination. Complaints may be received by any member of the Commission, the CC, the CDO, or the staff member within the ODICR, but shall be delivered to the CDO for logging in and review pursuant to Section 3.14.3(B) (iv). If an oral complaint is received, the complainant may edit the form and additional materials prepared by the person(s) receiving the complaint. During the initial receipt of the complaint and at any point thereafter, the CDO shall advise the complainant, in writing, of the right to file a complaint with the Massachusetts Commission Against Discrimination (MCAD), other appropriate Town departments, and other appropriate federal, state or local agencies in lieu of pursuing rights under this Bylaw. A copy of the complaint shall also be promptly given to the respondent who shall have thirty (30) days to file an answer with the CC. Complaints must be received within three hundred (300) days of the latest discriminatory act on which the complaint is based or the date on which the complainant discovers that the act was discriminatory, including pendency of collective bargaining mandated grievance processes and principles of equitable tolling, and the CC may also extend the deadline for other good cause shown.
- (iv) The CDO shall, using written and published criteria developed with the CC, review each complaint to determine whether the facts as alleged by the complainant would constitute discrimination; if so, the complaint will be referred to the CC. The review shall be completed in thirty (30) days after receipt of the complaint unless the CDO determines an extension is necessary. The CDO shall notify the complainant and respondent of its case determination or if an extension is necessary.
- (v) If the CDO determines that the complainant has not established a case of discrimination, the complainant has forty five (45) days to appeal the determination to the CC from the time of its receipt. This appeal will be heard by one member of the CC, and shall be completed within thirty (30) days of receipt of the appeal.
- (vi) At any point during the proceedings, the parties may agree to submit the matters in dispute to alternative dispute resolution, including but not limited to mediation, arbitration, and restorative justice. The alternative dispute resolution may be conducted informally by the CDO or its designee, or formally by an impartial arbitrator appointed by the American Arbitration Association subject to their rules and procedures. The results of the alternative dispute resolution may be considered a binding

- agreement that could be enforced in a court proceeding, as may be permitted by law.
- (vii) If the CDO's initial review or the complainant's appeal to the CC results in a determination that the case falls within the jurisdiction of the CC, the CDO or its designee and one member of the CC shall investigate the complaint. The CC shall adopt and publish rules of procedure for its investigations. The investigation may typically involve interviews of the parties and witnesses, review of pertinent documents and videos, and review of other relevant sources. The results of the investigation shall be reported to the parties, including notice of their right to appeal, and to the full CC. The complainant and respondent may elect to submit written documentation to also be submitted with the report to the CC. If the investigation concludes that no violation of this Bylaw has occurred, the CC shall dismiss the complaint, with notice to the complainant of their appeal rights. If the investigation concludes that the respondent has violated this Bylaw and no appeal is filed, the CC shall seek relief as set forth in Section 3.14.3(B) (x).
- (viii) The complainant or respondent may appeal the results of the investigation within forty five (45) days of receiving the investigation report. If appealed by either party, there will be an appeal hearing before a panel of three (3) members of the CC chosen by its Chair and the hearing shall be held within thirty (30) days of the appealing filing date. Based upon all of the evidence and information presented on appeal, the panel shall affirm or overturn the results of the investigation and report its decision to the parties and the full CC. If the panel reports to the CC that no violation of this Bylaw has occurred, the CC shall dismiss the complaint. If the panel reports to the CC that the respondent has violated this Bylaw, the CC shall seek relief as set forth in Section 3.14.3(B) (x). The CC shall adopt and publish rules of procedure for its appeal hearings.
- (ix) The CC shall have the power to subpoena witnesses, compel their attendance, administer oaths, serve written interrogatories, take testimony of any person under oath, and require the production of any evidence and/or answers relating to any matter in question or under investigation before it. Witnesses shall be summoned in the same manner and be paid the same fees as witnesses in civil cases before the courts. Town departments and agencies shall cooperate as described in Section 3.14.5.
- (x) If, upon all the evidence, the CC shall find that a respondent has engaged in any violation of this Bylaw, the

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CC shall seek relief within thirty (30) days of the panel's report, through one or more of the following actions:

(a) If the respondent is an employee, agent or official of the Town or the Town itself, the CC shall provide written findings of fact and recommendations to the Select Board.

(a) If the respondent is a person or organization not described in subparagraph (a) above the CC may (through the Chief Diversity Officer) levy a civil fine of three hundred dollars (\$300) for each such violation or other such sum as allowed by law. Each day or separate violation of this Bylaw shall constitute a separate offense. Any such penalty or penalties shall be enforced through non-criminal disposition as set forth in G.L. c.40 §21D.

(xi) A person may not retaliate against another person who, in good faith, filed a complaint, testified, participated, or assisted in any way in a proceeding under this bylaw, nor may they retaliate against any associates of said person. A person may not intimidate a witness, complainant, or respondent in a proceeding before the Commission.

(xii) The CDICR and CC shall work with the CDO to facilitate changes, including taking appropriate corrective actions, that will reduce or eliminate violations of this by-law and the civil or human rights of persons or organizations who come into contact with the Town as reflected in the complaints or pattern of complaints filed with the CC.

(xiii) The CDO shall develop a log for complaints filed with the CC and render to the Select Board a written report of the activities and recommendations of its office and the Committee under this Bylaw quarterly. This report shall be made available to the public as may be consistent with the Massachusetts public records law.

(C) To carry out the foregoing responsibilities, the Commission is also authorized to work with community organizations, government and nonprofit agencies, educational institutions, persons with relevant expertise, and others to:

(i) Develop educational programs and campaigns to increase awareness of human and civil rights, advance diversity and inclusion, eliminate discrimination, and ensure that the human and civil rights of all persons are protected and assist in the development of educational programs to further community relations and understanding among all people, including employees of all departments and agencies within the Town;

- (i) Conduct or receive research in the field of employment discrimination, human rights, and human relations and issue reports and publications on its findings or, where appropriate, submit local or state-wide proposed legislation, ~~after approval by the Select Board and~~ review by Town Counsel, to further human and civil rights of all persons who come in contact with the Town, provided that the Commission shall evaluate all such research conducted or received for its relevance and validity and for its openness to diverse viewpoints and perspectives;
- (i) Receive and review information on trends and developments in youth research, services, and programs, both generally and as they relate to youth who are members of a Brookline Protected Class, and consider the applicability of such research, services, or programs to Brookline, provided that the Commission shall evaluate all such research conducted or received for its relevance and validity and for its openness to diverse viewpoints and perspectives;
- (ii) Do anything else deemed appropriate in the furtherance of its general duties and that are not inconsistent with its Mission, the State Constitution and laws, or the Town By-laws.
- (C) At least every two years, the Commission shall prepare written organizational goals ~~for the Commission~~ ("Commission's Goals") that are (i) specific, (ii) measurable, (iii) attainable with the resources and personnel of the Commission, (iv) relevant to the mission of the Commission, (v) designated as either short term or long term, and (vi) capable of being evaluated on a continuing basis and at the next goal setting point. The Commission's Goals shall be submitted to the Select Board at a public meeting and posted on the Town's website. The Commission shall receive and consider the comments of the Select Board at the public meeting and shall also receive and consider written comments from the community on the Commission's Goals.

#### **SECTION 3.14.4 RULES AND REGULATIONS**

In order to carry out the purposes and provisions of this By-law, the Commission, with the approval of the Select Board, after review by the Town Counsel, shall adopt procedural rules and regulations as necessary to guide it in carrying out its responsibilities. Such rules and regulations shall require that actions by the Commission be taken by a quorum or larger vote of the Commissioners and shall include procedures for holding regular public meetings, including at least one public hearing annually to apprise the public on the status of civil rights, diversity, inclusion and community relations in the Town and to

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hear the concerns of the public on those issues. The Commission may also establish procedures and rules and regulations to carry out its responsibilities with respect to applicable civil rights laws and Fair Housing (see Town Fair Housing By-law, Section 5.5), with the approval of the Select Board, after review by Town Counsel. Such rules and regulations may further provide for the governance of the Commission with respect to matters such as the appointments of committees as necessary to deal with specific community issues or concerns.

#### **SECTION 3.14.5 INFORMATION, COOPERATION, AND DIALOGUE**

~~The Commission shall notify the Town Administrator of all complaints it records. In the event that such complaints fall within the purview of the Superintendent of Schools, the Superintendent shall also be notified. All departments and agencies in the Town shall cooperate fully with the Commission's reasonable requests for information concerning such complaints and when appropriate engage with the Commission in a dialogue on them respond to questions and provide information and feedback. All such requests and dialogue shall respect and protect, to the fullest extent possible, the privacy of all involved and shall comply with all local, state and federal laws.~~

The Director of Human Resources shall annually present a report to the Commission concerning the Town's statistics on employment diversity in Town departments and staff, as well as the efforts of the Town to increase the employment diversity of Town departments and staff. The School Superintendent and the Library Director, or their designees, shall annually provide a report to the Commission on their statistics on employment diversity, including but not limited to the most recently completed EEO-5 form. The Police Chief shall annually present a report to the Commission on ~~other~~ police matters that touch on the Commission's mission. The Commission may respond to such reports through dialogue and/or written reports; and all Town departments, including the Brookline Public Schools, are encouraged to cooperate with the Commission's reasonable requests for information. ~~as it reasonably requests.~~

#### **SECTION 3.14.6 REPORT**

With the assistance of the Director, the Commission shall submit an annual report to the Select Board, the School Committee, and the Board of Library Trustees detailing its activities and the results thereof. This report shall include (i) a review of the implementation of the diversity and inclusion policy by the Town, (ii) the Commission's Goals and a report on the extent to which the goals have been achieved to that point, (iii) a review of reports received by the Commission from the Director of Human Resources, the School Superintendent, the Library Director, and other Town departments or agencies, (iv) a narrative discussion

of any impediments to the implementation and achievement of the Commission's Goals and its diversity and inclusion policy, and (v) recommendations of ways that such impediments could be removed. A synopsis of such report shall be published as part of the Annual Report of the Town.

#### **SECTION 3.14.7 FIVE YEAR REVIEW**

Beginning no later than July 1, 2019 and at least every five (5) years thereafter, the Commission shall review this By-law and any other related Town by-laws, in consultation with other pertinent departments, and propose changes if necessary, by preparation of appropriate Warrant Articles for consideration by Town Meeting.

#### ~~**SECTION 3.14.8 EFFECTIVE DATE OF DECEMBER 12, 2019 AMENDMENTS**~~

~~The amendments, as indicated in strikethrough, bold and underlined, adopted on December 12, 2019, become effective July 1, 2021.~~

#### **SECTION 3.14.8 SEVERABILITY**

The provisions of this By-law shall be deemed to be severable. Should any of its provisions be held to be invalid or unconstitutional, the remainder shall continue to be in full force and effect.

#### **SECTION 3.14.9 RESOLUTION OF CONFLICTING PROVISIONS**

In case of any conflict between this By-law and other By-laws, the Provision(s) last adopted by Town Meeting shall prevail.

#### **SECTION 3.14.10 APPLICATION OF THIS BY-LAW**

Should any remedies in this By-law conflict with grievance or dispute resolution procedures in collective bargaining agreements with the Town's unions, the provisions of the collective bargaining agreements shall apply so long as all members of Brookline Protected Classes are protected.

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#### **PETITIONER'S ARTICLE DESCRIPTION**

This warrant article seeks to revise Article 3.14 of the Town's bylaws which covers the Office of Diversity, Inclusion and Community Relations (ODICR) as well as the Commission for Diversity, Inclusion and Community Relations (CDICR). Please see related warrant article for the minor associated changes to Articles 5.5, 10.2 and 10.3 that are required due to the changes in Article 3.14.

#### **Background**



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In the Fall of 2019 Arthur Conquest submitted a warrant article to revise the provisions of Article 3.14 to improve the procedure for discrimination complaints. Under the previous language of Article 3.14, investigations are limited to the Chief Diversity Officer, who can solely provide a report with recommendations.

The Conquest warrant article was approved at the Town Meeting to be implemented by July 1, 2021. The Commission formed a Complaint Process Committee that met 30+ times over 18 months. Two public hearings were held. The discrimination complaint processes in Cambridge, Newton, Arlington, Somerville, Melrose, Northampton and Medford were reviewed along with best practices of national organizations and models of mediation and restorative justice.

The work of the committee was delayed by the pandemic and another warrant article was filed by the CDICR and approved by the Town Meeting extending the effective date of the new bylaw to July 1, 2022.

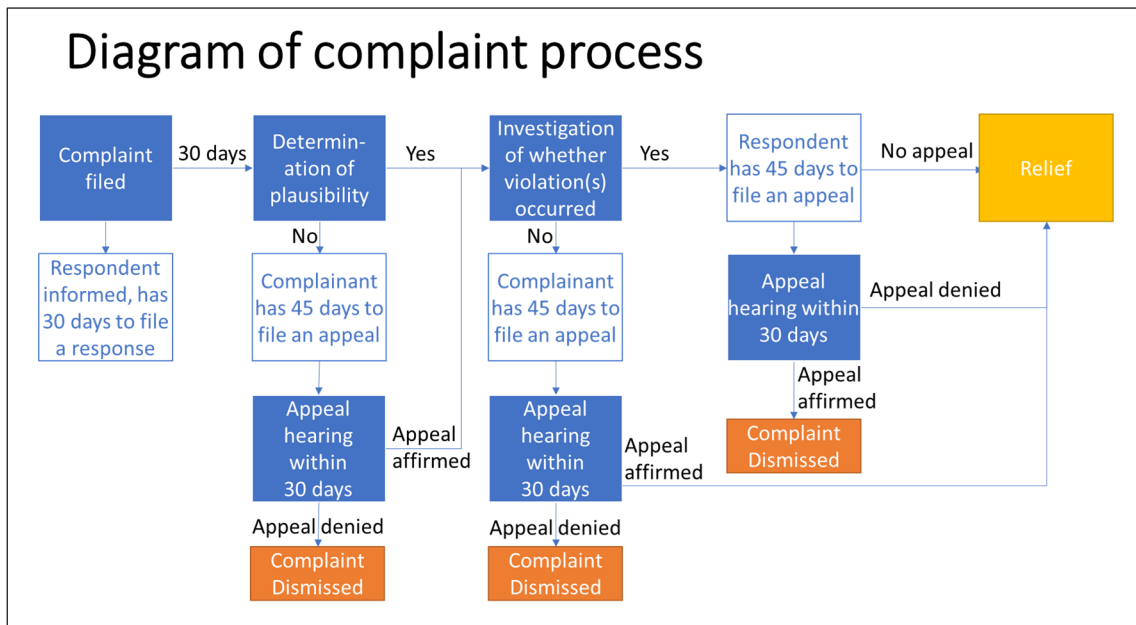
### **Proposed Changes to the Bylaw**

Jurisdiction. The new complaint procedure would be available to the broadest class of persons and organizations who suffer discrimination in Brookline. There is a non-exclusive list of the types of discrimination covered. Discrimination claims may be brought against individuals or entities located in town but not associated with Town government (**an area that was unclear in the previous language**), as well as employees, agents and officials of the Town. Persons covered by Town/School collective bargaining agreement retain their rights under the agreement and may be entitled to the procedures specified in other Town/School discrimination policies. Similarly, students are entitled to procedures in Federal law.

Alternative Dispute Resolution. At any point during the proceedings and with the encouragement of the bylaw, the parties may agree to submit their dispute to arbitration, mediation or restorative justice – **the intent is to change behavior and seek redress, not to levy fines**. These procedures may be conducted informally by the CDO or formally by the AAA and may be considered a binding agreement enforceable in court.

Complaint Committee (CC) Membership. Under the new bylaw, the CDICR will appoint a **new Complaint Committee** of not more than 5 persons who are residents of Brookline and have relevant legal or civil rights experience or are members of historically marginalized communities. At least one would be a member of the Commission. CC members would serve one year renewable terms. The CC would be supported by ODICR staff.

CC Process. A complaint form would be adopted but complaints may be filed in any written form or orally. **To ensure accessibility, the bylaw will now make explicit that translators and other accommodations would be provided if necessary.** The CC would publicize the new bylaw and encourage the filing of discrimination complaints. **A new joint formal CC/CDO investigation process is outlined in the new language, with right to appeals and adoption of formal rules of procedure and subpoena power.** A process flow diagram of the process is below.



**Remedies.** Should there be a finding of discrimination, and should the respondent be an employee, agent or official of the Town or the Town itself, the CC shall provide findings of fact and recommendations to the Select Board (similar to the previous process.) However, if the respondent is not an employee, agent or official of the Town or the Town itself, **the CC may levy a fine of \$300 per day and per act of discrimination on the respondent under a state statute. State law prohibits the CC from seeking any other remedy.** Although \$300 may not be enough to change behavior it can mount up and may be sufficient to obtain the cooperation of respondents.

**Retaliation.** **Retaliation is now prohibited, as is intimidation of a witness or a party to such a proceeding.** Associates of persons protected by the bylaw are also protected from discrimination.

**Other.** Other changes are made in Article 3.14 to conform it to the new discrimination provisions or remove outdated material.

### **Committee Membership (\* - current members)**

Members include 6 current/former practicing attorneys and were advised by the heads of ODICR and HR who served ex officio, as well as Town Counsel Michael Downey.

Joan Lancourt (former CDICR chair)  
 Deborah Brown (TMM)\*  
 Sandy Batchelder (CDICR member)\*  
 Koinonia Givens (former TMM, Library Trustee)  
 Robert Volk (TMM)\*  
 Mariah Nobrega (TMM, former CDICR member)\*  
 Eloise Lawrence (former CDICR member)  
 Mike Offner (former TMM)  
 Arthur Conquest (TMM)\*

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ShanShan Guo (CDICR member)\*

Ann Braga (ex officio non-voting)\*

Lloyd Gellineau (ex officio, non-voting)\*

## **INTERIM REPORT OF THE COMMITTEE ON TOWN ORGANIZATION & STRUCTURE (CTO&S) ON WARRANT ARTICLES 12 AND 13**

### **Introduction**

Warrant Articles 12 would create procedures under which the Commission for Diversity, Inclusion and Community Relations (“CDICR” or “the Commission”) would resolve discrimination complaints under Town By-Law Article 3.14 (the article establishing and governing CDICR). Basically, the approach under By-Law Article 3.14 has changed from providing information, mediation and dispute resolution opportunities (the original 2014 version), to a more active investigative role with time limits (the 2019 Conquest Amendments), to a proposal for a more prosecutorial and punitive role granting a new Complaint Committee (“CC”) subpoena power and the authority to levy \$300 per day fines (2022 Articles 12 and 13).

CTO&S is filing this interim report after the exchange of drafts and discussions with Petitioners. CTO&S perceives a number of problems with the enforcement approach taken by Article 12 (and incorporated by Article 13 into the Town’s Fair Housing By-Law Article 5.5). Some, but not all, of those issues are discussed below. The issues are complicated, and Petitioners and CTO&S believe that narrowing the issues in dispute would benefit Town Meeting. CTO&S intends to file a final report and recommendations after discussions with Petitioners. That final report with the CTO&S recommendations would be included in the Supplemental Mailing.

Town Meeting will ultimately determine whether the approach laid out in Article 12 should be adopted, or whether the Town should retain the 2019 version of the By-Law. Town Meeting can also decide through the amendment process whether certain elements of Article 12 (such as the subpoena power) should remain or should be stricken. CTO&S sees determinations such as these to be “political” decisions to be made by Town Meeting rather than decisions to be made by CTO&S.

Thus, the goal of CTO&S is limited: recommending language designed to ensure, to the extent possible, that if there is favorable action on Articles 12 and 13, the Articles comply with federal and State law and the State constitution, avoid penalties that could well be viewed as inequitable, ensure strong protection for privacy rights, enhance due process protections, and reduce the likelihood of unnecessary and expensive litigation.

### **Some Issues under the State and Federal Law**

Article 12 does not define “discrimination.” It also states that complaints “are not limited to” discrimination regarding employment, housing, and other areas covered by federal and State law. Town Counsel has pointed out that under Section 7(5) of art. 89 of the Amendments to the Massachusetts Constitution, the “Home Rule Amendment,”

municipalities have no power “to enact private or civil law governing civil relationships except as an incident to an exercise of an independent municipal power.” Town Counsel has pointed to Bloom v. Worcester, 363 Mass. 136 (1973), which allowed that city to investigate and identify discrimination with only mediation and recommendations to the City Manager as remedies, with the Supreme Judicial Court stating that the ordinance “at the most ... can encourage a person by moral suasion to do what the law already requires him to do.” The Court emphasized that the ordinance was “concerned at most with adherence by persons in the city to those laws relating to unlawful discrimination which are already in effect and which do govern their civil relationships.”

CTO&S seeks to bring Article 12 within constitutional limitations. It has also focused on open-ended language that could, for example, trigger “neighbor vs. neighbor” complaints. It has therefore inserted explicit language limiting complaints to incidents “that are illegal under federal or State law.” Although Petitioners have argued that a definition of discrimination is not needed since “there are multiple federal and state laws that do this,” the CTO&S language explicitly referencing federal and State law has not yet been accepted.

The Petitioners’ proposal would also allow third parties to file complaints on a person or organization’s behalf regardless of whether that person or organization had authorized the complaint or even wanted to be brought in as the focus of a complaint proceeding. Town Counsel has noted that the breadth of potential complainants under Article 12 violates constitutional principles for “standing” (the right to bring complaints) under Massachusetts law. CTO&S has thus proposed language that adopts the “standing” provisions of the Massachusetts Commission Against Discrimination (“MCAD”) and that satisfies constitutional standards. Petitioners have removed the ability of third parties to file class action complaints, but differences remain between CTO&S and Petitioners.

Under the original Article 12 a complaint could be filed orally or in writing without any verification that the allegations were true. CTO&S has recommended that any complaint be reduced to a formal complaint signed under the pains and penalties of perjury verifying the truth of the allegations while Petitioners have inserted language that complaints have to be “sworn.” There will be further discussion about verification language.

CTO&S expressed concerns, under federal and State law, about the application of the new enforcement mechanism to Public Schools of Brookline employees, officials and students under the original Article 12. Both parties have proposed language to deal with School employees and officials.

While complaints against Town and School employees and officials would be limited to a referral and recommendation to the Select Board, Superintendent and/or School Committee, Article 12 as amended by Petitioners still retains a provision for a \$300 per day fine “to the extent the law allows” against everyone else for each violation of the By-Law.

The potential use of the \$300 per day fine is sharply constrained by the Home Rule Amendment to the Massachusetts Constitution. As noted above, Bloom v. Worcester approved an anti-discrimination ordinance that provided for “moral suasion” (mediation and recommendations to the City Manager) rather than fines. As Town Counsel has

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advised CTO&S and Petitioners, the “to the extent the law allows” provision could allow fines to be applied to businesses licensed by the Town if found to be “incident to an exercise of an independent municipal power.” Thus, Town Counsel has pointed out (and CTO&S agrees) that fines could not be applied to housing including landlord-tenant relations, health care, private employment, and private education. In corresponding fashion, it would appear that the Home Rule Amendment would also bar fines in the areas of credit, any public accommodations not licensed by the Town, and the sale of property.

This could lead to a situation where the \$300 per day fine could be levied against a local business such as a nail salon licensed by the Town, but not against, for example:

- the Bank of America if it discriminated against hundreds of individuals in refusing credit or mortgages;
- a major landlord that had repeatedly discriminated on the basis of race, the use of Section 8 certificates, or the presence of children; or
- a major private employer engaged in salary discrimination against its entire workforce on the basis of sex.

CTO&S believes that retaining the \$300 per day fine would not only force costly and burdensome litigation about its application but would also because of the limitations of Home Rule Amendment at most be used to target local individuals and local businesses. It could also potentially target students older than 17, since they are not School employees or officials. CTO&S would eliminate the \$300 fine, but this issue has not been resolved with Petitioners.

### **Some Other Issues**

In addition to limitations imposed by the Home Rule Amendment and State and federal law, CTO&S has sought to address other issues such as privacy rights and due process. Consistent with the advice of Town Counsel, CTO&S recommended language designed to protect the privacy rights of individuals. CTO&S also believes that efforts to de-escalate and resolve issues before the initiation of the formal complaint process, if the parties agree in a given situation, are healthy and should expressly be encouraged. Petitioners agree with both concepts, though differences in language remain.

Article 12 creates a Complaint Committee (“CC”). Despite the fact that the CC is a quasi-judicial body that should impartially decide the merits of complaints brought before it, Article 12 originally had the CC appointed by CDICR, itself an appointed body. CTO&S would have CC appointments rest with the Select Board, a body accountable to the public. It may be possible to agree on an appointment process.

CTO&S has also modified the language of Article 12 to make clear that the attorneys who volunteer to be appointed to the CC have civil rights experience; that such attorneys should be involved in the appellate steps of the complaint process; and that to enhance due process protections, the same members of the CC should not be deciding appeals from decisions in which they have previously participated. To protect individual privacy and reputational rights, CTO&S has included language to ensure that early stages in the complaint process will be non-public and confidential. Petitioners have also sought to address these concerns and it may be possible to resolve some or all language differences.

The provision in Article 12 giving the CC the authority and discretion to issue subpoenas, to serve interrogatories, to compel the attendance of witnesses, and so on, has been controversial. As noted, CTO&S believes that giving these powers to a Town body such as the CC is a “political” decision to be decided at Town Meeting. CTO&S has included language designed, at a minimum, to enhance the due process rights of both the complainant and respondent by requiring the CC to invoke such processes if reasonably requested by either the complainant or the respondent. The CTO&S language would provide the opportunity for both parties to undertake a form of discovery (the mutual ability to learn facts) in the proceedings.

Also, in the interests of due process and to clearly preserve existing legal rights, CTO&S would explicitly state that legal proceedings by either party seeking relief through an administrative or judicial body would not violate the prohibition against retaliation and intimidation.

CTO&S has also deleted language under which the CC would take “appropriate corrective action” outside the complaint process and would “encourage the public to file complaints.” This language, unfortunately, suggested a mindset where the CC is not viewed as a quasi-judicial body fairly deciding cases on the merits. It would be similarly repugnant to the concepts of fairness and due process for a federal court judge to urge the U.S. Attorney to bring more drug-related prosecutions before the judge for verdicts and sentencing.

CTO&S has also included clarifying language in various locations, such as inserting standard language as used by the MCAD defining continuing violations for statute of limitations purposes, and an addition making clear that communications and access issues for which accommodations are required include not only limited English proficiency but also disability.

Finally, and significantly, Article 12 itself refers to the need for regulations and rules of procedure to be formulated and adopted. Town Counsel has strongly emphasized the need for training of the CC in a multitude of areas, including civil rights law, confidentiality and privacy, and due process. CTO&S proposes language ensuring that the complaint process can become effective only when such steps have been accomplished.

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#### SELECT BOARD’S RECOMMENDATION

A report and recommendation will be included in the supplemental reports.

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#### ADVISORY COMMITTEE’S RECOMMENDATION

A report and recommendation will be included in the supplemental reports.

XXX

ARTICLE 14FOURTEENTH ARTICLE

Submitted by: Department of Planning and Community Development

To see if the Town will amend the Zoning By-Law as follows:

By amending Section 9.05.2, conditions that the Zoning Board of Appeals may attach to a special permit as deemed necessary to protect the neighborhood - to add the following section:

- “h. Requirements related to the construction phase of a project to mitigate potential adverse impacts to the neighborhood, which may include:
- (i) detailed construction mitigation performance standards such as construction-related parking or standards;
  - (ii) details and frequency of communication from the applicant’s construction liaison to certain abutters and/or the neighborhood generally;
  - (iii) an applicant-hosted webpage to include: links to approved plans, conditions, and other related documents approved by the Town; periodic construction updates; current construction contact’s name, email, and phone number; the name, email, and phone number of any required third-party construction liaison; and a Town-provided construction guide of current enforcement agency contacts.
  - (iv) required on-site signage including a website for construction-related questions or concerns as well as an emergency phone number contact; and/or
  - (v) a third-party construction liaison directed by the Building Commissioner and paid for by the applicant, whose role will include: on-site presence in support of the Town’s enforcement agencies at a frequency recommended by the Building Commissioner, referring complaints to the appropriate Department, tracking resolution of such complaints as a public record, and participating in and/or leading communication between the applicant and abutters or neighborhood.”

...or act upon anything else thereto.

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PETITIONER’S ARTICLE DESCRIPTION

Brookline has been host to a number of large building projects in the past few years. These have included midrise office and hotel space along Route 9 into Village Square/Gateway East, multifamily development along the Harvard Avenue corridor, and large-scale construction projects within the Hancock Village community in Southwest Brookline. The

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permitting pipeline includes multifamily projects on Route 9 and Beacon Street as well as the Waldo-Durgin hotel-residential high-rise project in Coolidge Corner.

Brookline has several departments and committees that touch the construction process at some point. Major Impact Projects usually include review by the following departments, divisions, and boards: Planning, Building, Engineering/Transportation, Fire, Police, Health Department, Public Works, Conservation Commission, Economic Development Advisory Board, Preservation Commission, Tree Planting Committee, and if a residential development, the Housing Advisory Board. Their review includes reviewing blasting permits, conditions and monitoring to route truck traffic away from local roads, or dealing with rodent infestations or trash build up during the construction phase. Public Works may need to investigate potentially damaged underground public utilities such as water and sewer, and will have to coordinate utility hook ups and sometimes-public roadway reconstruction or pedestrian/bike infrastructure mitigation.

Small projects may only impact immediate neighbors and be relatively simple for our Town departments to oversee. However, large projects have larger, more widespread impacts, and day-to-day regulatory oversight of these jobs during the construction phase taxes already thinly staffed departments. The surge in large-scale project activity, as well as construction methodologies in tight urban areas of small to medium projects, are very taxing of Town resources.

Our larger municipal projects are managed to include regular neighborhood meetings, post construction updates on a web page and through email, and provide a main contact for residents to call as issues arise during the construction phase. §9.05 of our Zoning By-Law already gives the Zoning Board of Appeals the responsibility and express authority to not approve special permits unless certain conditions are met, including mitigating adverse affects to the neighborhood. This proposed bylaw change is designed to bring the good construction oversight practices and community communication requirements that the Town imposes on itself to large private construction projects seeking special permits. Most of these will be, by definition, major impact projects.

This proposed bylaw will expressly empower the Zoning Board of Appeals to, as deemed necessary, require the Owner of a large project to pay for a Town-selected construction consultant-liaison to provide an additional oversight presence and to collect and direct complaints from the public to the proper departments. The bylaw also provides the ability for the Zoning Board of Appeals to condition special permits such that the Owner and/or the construction consultant-liaison communicates regularly with the public during the construction phase. Potential construction impacts and the frequency of public communication is not always correlated to the size of a project. Even very small projects may include work near a structural wall near a joint property line, blasting, or other special construction methodologies that warrant more detailed communication with the abutters and/or the neighborhood. These scenarios will be further developed in a joint Policy adopted by the Planning and Building Departments outside of this By-Law amendment, which will provide guidance for when a variety of conditions may be proposed by staff for the Zoning Board of Appeals to include in their decision.



The intent here is to facilitate good communication and planning. With good communication, the Town, Project Owner and contractor can stay on top of anticipated problems so as to mitigate their impact on the neighbors and the Town generally. Through this process, formerly externalized costs will be born more by the Project Owner while the Town Departments will better be able to respond to issues in a timely and efficient manner. Better yet, the process will identify and resolve issues before they even rise to the level of requiring Town Departmental intervention.

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### **PLANNING BOARD REPORT AND RECOMMENDATION**

The Department of Planning & Community Development submitted Article 14 to give explicit authority for the Zoning Board of Appeals (ZBA) to attach special permit conditions related to mitigating potential adverse impacts to the neighborhood during the construction phase of a project.

The Planning Board appreciated the amendment offered by Advisory Committee to include language about pedestrian and bicycle safety. Most Board members agreed this was a great step for the Town to move forward with, although one member was concerned that giving the ZBA such explicit authority to set such conditions could have a chilling effect on producing housing.

The Planning Board therefore voted (5-0-1) to recommend Favorable Action on Article 14 as recommended by the Advisory Committee and the Zoning By-Law Committee. The roll call vote on April 27<sup>th</sup> went as follows: Heikin – aye, Brue – aye, Hiller – abstain, Hines – aye, Zarrillo – aye, Cimpimo – aye. Hamlin was not present.

**RECOMMENDED:** That the Town amend the Zoning By-Law as follows, with the underlined portion addition language added to the original warrant article:

By amending Section 9.05.2, conditions that the Zoning Board of Appeals may attach to a special permit as deemed necessary to protect the neighborhood - to add the following section:

“h. Requirements related to the construction phase of a project to mitigate potential adverse impacts to the neighborhood, which may include:

- (i) detailed construction mitigation performance standards such as construction-related parking or standards, and requirements for safe pedestrian and bicycle passage;
- (ii) details and frequency of communication from the applicant’s construction liaison to certain abutters and/or the neighborhood generally;
- (iii) an applicant-hosted webpage to include: links to approved plans, conditions, and other related documents approved by the Town; periodic construction updates; current construction contact’s name, email, and phone number; the name, email, and phone number of any required third-party construction liaison; and a Town-provided construction guide of current enforcement agency contacts.

- (iv) required on-site signage including a website for construction-related questions or concerns as well as an emergency phone number contact; and/or
- (v) a third-party construction liaison directed by the Building Commissioner and paid for by the applicant, whose role will include: on-site presence in support of the Town's enforcement agencies at a frequency recommended by the Building Commissioner, referring complaints to the appropriate Department, tracking resolution of such complaints as a public record, and participating in and/or leading communication between the applicant and abutters or neighborhood."

#### SELECT BOARD'S RECOMMENDATION

For the reasons stated in the article explanation, the Board supports giving explicit authority for the Zoning Board of Appeals to attach special permit conditions related to mitigating potential adverse impacts to the neighborhood during the construction phase of a project. The Select Board voted unanimously by roll call vote FAVORABLE ACTION on the following motion:

MOVED: To amend the Zoning By-Law as follows:

By amending Section 9.05.2, conditions that the Zoning Board of Appeals may attach to a special permit as deemed necessary to protect the neighborhood - to add the following section:

- "h. Requirements related to the construction phase of a project to mitigate potential adverse impacts to the neighborhood, which may include:
- (i) detailed construction mitigation performance standards such as construction-related parking or standards;
  - (ii) details and frequency of communication from the applicant's construction liaison to certain abutters and/or the neighborhood generally;
  - (iii) an applicant-hosted webpage to include: links to approved plans, conditions, and other related documents approved by the Town; periodic construction updates; current construction contact's name, email, and phone number; the name, email, and phone number of any required third-party construction liaison; and a Town-provided construction guide of current enforcement agency contacts.
  - (iv) required on-site signage including a website for construction-related questions or concerns as well as an emergency phone number contact; and/or
  - (v) a third-party construction liaison directed by the Building Commissioner and paid for by the applicant, whose role will

include: on-site presence in support of the Town's enforcement agencies at a frequency recommended by the Building Commissioner, referring complaints to the appropriate Department, tracking resolution of such complaints as a public record, and participating in and/or leading communication between the applicant and abutters or neighborhood."

**ROLL CALL VOTE:**

<u>Aye:</u>	<u>Absent:</u>
Hamilton	Aschkenasy
Fernandez	
Greene	
VanScoyoc	

\*After the Board took their vote, the Advisory voted a slightly different version of Article 14. The Board will address this difference at their May 10<sup>th</sup> meeting.

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**ADVISORY COMMITTEE'S RECOMMENDATION**

**Recommendation:** FAVORABLE ACTION on Warrant Article 14, as amended, by a vote of 22-0 with 0 abstentions.

<b>Executive Summary:</b>	The Department of Planning and Community Development has submitted Article 14 to give the Town explicit authority to impose certain construction-phase mitigation requirements on any builder seeking a Special Permit. Such requirements are intended to mitigate adverse effects on the neighborhood during a construction project. The requirements identified in the Article include the builder's submission of construction mitigation performance standards such as construction-related parking, a plan for communication with the neighborhood regarding the construction, and the appointment by the builder of a third-party liaison with the neighborhood who would be paid by the builder.
<b>Voting Yes will...</b>	The Article will facilitate the Town's imposing requirements on a builder to prevent or mitigate adverse effects of building construction on the neighborhood. A third-part liaison paid for by the builder would refer complaints about the construction, etc., to the appropriate Town agencies, track the complaints, and facilitate communication between the builder and the neighborhood. The Article is intended to prevent and solve adverse impacts imposed by the construction and save the time and expense of Town staff investigating and resolving complaints.

<b>Voting No will...</b>	The result of no action is that the Town would continue its current practice of following-up, investigating and trying to resolve complaints, which can be a painstaking and time consuming task.
<b>Financial impact</b>	This Article would likely have a favorable financial impact on the Town because instead of employing Town staff and other public resources to address questions and handle communications, such duties would be managed according to the plan submitted by the builder. Any ensuing disputes would be resolved by an on-site third-party liaison paid for by the builder.

### Introduction

This article would amend Article 9 of the Zoning By-Law, which provides that building construction or alteration must be in accordance with a permit issued by the Town in accordance with the requirements specified in Article 9. When an applicant seeks approval of a plan that is not in conformance with the Zoning By-law, work cannot proceed unless the applicant has filed for and obtained a Special Permit from the Board of Appeals, in accordance with Article 9.05, determining that a number of conditions have been met. Article 9.05 sets forth mandatory conditions for approval, such as the appropriateness of the site for the use or structure requested, a determination that the use will not adversely affect the neighborhood, etc. Article 9.05 also provides that the Board of Appeals may require additional conditions and safeguards to protect the neighborhood, such as a requirement for front, side, or rear yards greater than the required minimum, modification of exterior features of the structure, regulation of off-street parking, etc.

### Evaluation Methodology/Research

The Department of Planning and Community Development has requested an amendment to Article 9.05, “Conditions for Approval of Special Permit.” At present, the Article requires the Zoning Board of Appeals to issue Special Permits for construction that does not conform to Town building upon findings that the “specific site is an appropriate location for such a use...”, adequate and appropriate facilities will be provided...”, etc., and the Zoning Board of Appeals may attach conditions and safeguards to protect the neighborhood. What this Article adds are construction-phase requirements on the builder in order to prevent or mitigate adverse effects on the neighborhood during construction.

Such requirements may include submission of detailed construction mitigation performance standards such as construction-related parking or standards; requirements for details and frequency of communications to the neighbors; hosting a webpage that includes links to approved plans, construction updates, contact information for the builder and appropriate Town staff; on-site signage showing the website and emergency telephone contact; and identification of a third-party liaison paid for by the builder whose role would include an on-site presence in support of the Town’s enforcement agencies as recommended by the Building Commissioner. Other provisions may include referring complaints to the appropriate Town agencies, tracking complaints and facilitating communication between the builder and the neighborhood.

**Discussion**

The Director of Planning and Community Development stated that the Town may have authority to impose these conditions, but that having clear, express authority will make the duties of the building applicant clear. The Department notes, and the Advisory Committee agrees, that good communications and planning can prevent unnecessary adverse effects during construction. With good communication, the Town, the builder, and the neighborhood can stay on top of anticipated problems so as to mitigate the problems. Indeed, with good communication, the builder may identify and resolve issues before they rise to the level of requiring Town intervention, avoiding neighborhood disruption and hazard such as has occurred at Hancock Village, Babcock Place, and construction projects on Harvard Street and Boylston Street. It is anticipated that implementation of the Article's requirements will result in less expense to the Town because the builder is required to handle and fund the measures set forth in the By-Law.

The Advisory Committee has added the authority for the Town to impose "requirements for safe pedestrian and bicycle passage," during construction, with the assent of the Department, based on fraught conditions imposed on pedestrians and bicyclists by recent building projects.

**Recommendation**

By a vote of 22-0 and no abstentions, the Advisory Committee voted favorable action on this Article, as amended.

**VOTED:** To amend the Zoning By-Law as follows:

By amending Section 9.05.2, conditions that the Zoning Board of Appeals may attach to a special permit as deemed necessary to protect the neighborhood -- to add the following section:

"h. Requirements related to the construction phase of a project to mitigate potential adverse impacts to the neighborhood, which may include:

- i. detailed construction mitigation performance standards such as construction-related parking or standards, and requirements for safe pedestrian and bicycle passage;
- ii. details and frequency of communication from the applicant's construction liaison to certain abutters and/or the neighborhood generally;
- iii. an applicant-hosted webpage to include: links to approved plans, conditions, and other related documents approved by the Town; periodic construction updates; current construction contact's name, email, and phone number; the name, email, and phone number of any required third-party construction liaison; and a Town-provided construction guide of current enforcement agency contacts;
- iv. required on-site signage including a website for construction-related questions or concerns as well as an emergency phone number contact; and/or
- v. a third-party construction liaison directed by the Building Commissioner and paid for by the applicant, whose role will include: on-site presence in support of the Town's enforcement agencies at a frequency recommended by the Building Commissioner,

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referring complaints to the appropriate Department, tracking resolution of such complaints as a public record, and participating in and/or leading communication between the applicant and abutters or neighborhood.”

## ARTICLE 14 ADVISORY COMMITTEE VOTES

Article Description	construction impact mitigation, as amended
<b>AC recommendation (Favorable Action unless indicated)</b>	<b>22-0-0</b>
Scott Ananian	Y
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	
Cliff Brown	Y
John Doggett	Y
Katherine Florio	Y
Harry Friedman	Y
David-Marc Goldstein	Y
Neil Gordon	Y
Susan Granoff	Y
Kelly Hardebeck	
Anita Johnson	Y
Georgia Johnson	Y
Alisa Jonas	Y
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	
Linda Olson Pehlke	Y
Donelle O'Neal, Sr.	
David Pollak	Y
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	Y
Alok Somani	Y
Christine Westphal	Y
Dennis Doughty *	
* Chairperson does not vote except to break a tie	

XXX

ARTICLE 23TWENTY-THIRD ARTICLE

Submitted by: Mike Toffel (TMM 8)

To see if the Town will adopt the following Resolution:

WHEREAS Town Meeting is responsible for funding capital and operating budgets to install and maintain Brookline's athletic fields; and

WHEREAS the Park and Recreation Commission recently oversaw the completion of the *2020 Athletic Fields Needs Assessment and Master* and the *Parks, Open Space and Recreation 2020 Strategic Master Plan Update*, which concluded "The quantity and size of Brookline's athletic fields, especially multi-use turf fields, continue to not meet the current demand or the Level of Service standards for Brookline;" and

WHEREAS Brookline has recently installed a synthetic turf athletic field at the Ridley School, a grass turf athletic field at the Cypress Street Playground, and is planning to install a synthetic turf athletic field at the new Driscoll School where building construction has already begun; and

WHEREAS Brookline is implementing several best practices when procuring synthetic turf athletic field, including (a) procuring only organic infill for its synthetic turf athletic fields to avoid potential health risks associated with crumb rubber and to dramatically reduce "heat island" effects; (b) developing additional technical specifications in its Request for Proposals, such as requiring manufacturers to disclose whether their products contain certain chemicals of concern; and, requiring vendors to indicate whether and how they will recycle or repurpose turf components when Brookline uninstalls them; and

WHEREAS some concerns have been expressed about the environmental, safety, and health impacts of synthetic turf and of grass turf, and that installing grass turf in locations with high usage quickly transforms the surface to compacted dirt, reducing its safety, availability, and aesthetics; and

WHEREAS the decision between installing grass turf or synthetic turf at a particular athletic field entails many complicated tradeoffs, including: (1) how much time the field can be used each week to prevent compaction that can impede safety, (2) how much time the field will be unavailable for use during and following wet weather, (3) how much time the field will be unavailable for use each spring and fall for "rest periods", (4) how consistently and for how long the playing surface will retain its original desirable properties given anticipated usage intensity (e.g., soft grass versus compacted dirt), (5) equity concerns associated with accessing alternative field space—often beyond walking range, necessitating driving—when field closures occur due to wet weather or seasonal rest periods, or if program constraints are imposed to preserve field surface conditions; (6) risk of user injury, (7) risk of user safety associated with possible heat island effects, (8) possible health risks associated with chemical exposure, (9) end-of-life disposition, (10)



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installation costs; (11) maintenance costs, (12) replacement or revitalization frequency, and perhaps additional criteria; and

WHEREAS the Brookline Park and Recreation Commission lacks a formal policy guiding the circumstances under which it will recommend that athletic fields should be grass turf or synthetic turf; and

WHEREAS a nuanced understanding of the many factors involved should inform such a policy, diverse expertise should be brought to bear to consider their tradeoffs, consult with the wide array of effected stakeholders, and be developed through a public meeting process, and Town Meeting itself does not possess all the required expertise or the time to sufficiently consider the tradeoffs to develop an appropriate policy for Brookline.

NOW THEREFORE BE IT RESOLVED THAT:

Town Meeting urges the Parks and Recreation Commission to:

- (1) Appoint an Athletic Field Surface Task Force, consisting not only of a few Parks and Recreation Commission members, but also other community and staff members that bring diverse perspectives such as athletics, recreation, the Public Schools of Brookline, environment/climate, toxicology, risk assessment, public health, children's socioemotional and physical development, capital planning, and perhaps other domains;
- (2) Charge the Task Force to conduct its meetings in a manner that is consistent with the provisions and intent of the Open Meeting Law;
- (3) Charge the Task Force with proposing a draft Athletic Field Surface Policy to the Parks and Recreation Commission by September 1, 2022;
- (4) Hold at least one Public Hearing to receive feedback on the draft policy, notifying Town Meeting Members of the Public Hearing;
- (5) Finalize the Athletic Field Surface Policy, and notify Town Meeting Members of its completion, by October 15, 2022.

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### PETITIONER'S ARTICLE DESCRIPTION

The rationale for this resolution is described in its whereas clauses.

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### **PARK AND RECREATION COMMISSION STATEMENT**

On April 26, 2022, the Park and Recreation Commission voted 7 to 0 to support the Advisory Committee's recommendation on Article 23 as amended. Voting in favor were J. Bain, N. O'Connor, W. Sheridan Ames, C. Batchelor, A. Bellalta, T. Mooney and J. Pan. None opposed. No Abstentions.

The Park and Recreation Commission heard the petitioner's explanation of the Warrant Article at their regular meeting on April 12, 2022. More information was requested and it was discussed again at a special meeting on April 26, 2022. In light of the possibility of a moratorium as is suggested in Warrant Article 24, the commission overall felt that more study should be done about the concerns that have surfaced in regards to synthetic turf. With the shortage of fields in town and the difficulty in keeping fields playable, synthetic turf has become an important tool in terms of field availability and playability.

There is a significant deficit in playing fields in town. Synthetic playing fields increase the available use specifically during inclement weather, when natural grass fields should not be played on to avoid damage to soil and turf. This is particularly important during the early spring months when the grass fields cannot be open for spring sports until after April 1 or later due to saturated field conditions. We do feel that an appointed group of individuals with the professional backgrounds and expertise stipulated in the Petitioner's motion would be exceedingly helpful to the Commission as we work to develop a policy about the future of synthetic turf and grass fields. The Commission would be pleased to work with the Advisory Council on Public Health and the Select Board in assembling this Task Force. More time is needed to review all of the information that has been presented in order to evaluate the results and make the best decision for the health and safety of Brookline residents.

### **ADVISORY COUNCIL ON PUBLIC HEALTH REPORT ON ARTICLES 23 AND 24**

On April 7, 2022, a public hearing was held to hear presentations from petitioners and Health Department staff on the health implications and potential harms related to the expansion of synthetic turf fields, as well as to listen to citizens' comments and concerns regarding Warrant Articles 23 & 24. The following week on April 14<sup>th</sup>, the Advisory Council on Public Health (ACPH) deliberated and voted on Warrant Articles 23 & 24.

In their deliberation, members acknowledged the work of the Parks and Open Space Division in developing the Athletic Field Needs Assessment and Master Plan. ACPH members expressed a desire to increase opportunities for physical activity through the development of additional athletic fields in town. However, members expressed concerns about addressing that need with synthetic turf fields given the potential health risks. Areas of concern addressed included PFAS in synthetic turf and the potential to leach into the ground and drinking water, numerous questions about health concerns when exposed to chemicals, the buildup of heat from synthetic turf, the potential for MRSA outbreaks, and barriers to recycling synthetic turf. Several members underscored that climate change is a priority when ACPH talks about health impacts of policy decisions, and the need to consider both immediate and long-term health impacts of Warrant Articles. ACPH members spoke favorably about forming a town committee to review and develop a policy

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for the Town of Brookline on the uses of natural and synthetic turf athletic fields. They were concerned that the timeline presented in Warrant Article 23 was too short and that a three-year moratorium as presented in Warrant Article 24 would give the community more time to review and discuss options. ACPH members felt the three-year moratorium would also give the industry time to begin to remove PFAS from synthetic turf manufacturing and incentivize them to also address the obstacles to recycling the materials at the end of its useful life.

### **Outcome Warrant Article 23**

Dr. Anthony Schlaff made a motion to recommend no action on Warrant Article 23, second by Pat Maher.

- Natalia Linos - Yes
- James Perrin - No
- Tony Schlaff - Yes
- Pat Maher - Yes
- Charles Homer - No
- Rosemarie Roque Gordon - Yes

ACPH voted on April 14, 2022 4 in favor of the motion and 2 opposed to recommend no action on Warrant Article 23 to Town Meeting.

### **Outcome Warrant Article 24**

Dr. Rosemarie Roque Gordon made a motion to recommend Warrant Article 24 as written, second by Pat Maher.

- Natalia Linos - Yes
- James Perrin – Excused Absence
- Tony Schlaff - Yes
- Pat Maher - Yes
- Charles Homer - No
- Rosemarie Roque Gordon - Yes

ACPH voted on April 14, 2022 4 in favor of the motion and 1 opposed to recommend Warrant Article 24 to Town Meeting.

### **Public Health Background: Prepared by Department of Public Health and Human Services**

The Town of Brookline is a densely populated community with significant need for additional recreation space. The challenge facing Brookline is similar to discussions happening across the Commonwealth and the country, how best do we provide the community with necessary and safe infrastructure for physical activity? Athletic fields exist on a continuum of risk based on the type of field (i.e., natural vs synthetic), staff and equipment, maintenance schedules, chemicals necessary to keep the fields in good working order, and space. The Town of Brookline needs to balance the demand for regulation size athletic fields against the need for additional space, and this continuum of risk that comes with building athletic fields that are synthetic turf.

The Town of Brookline has a total population of 63,191 residents living across approximately 6.8 square miles. According to the Massachusetts Department of Elementary & Secondary Education (DESE), [there are 6,928 students](#), including almost 2100 at the high school level in the Public Schools of Brookline. In a densely populated

urban area like the Town of Brookline one challenge is finding sufficient open space to expand opportunities for organized athletic activities for residents of all ages. As the Parks and Open Space Division indicated in the [2020 Athletic Fields Needs Assessment and Master Plan](#) more than a third of the fields are not regulation size. A number of fields are multi-use and demand for field time is higher than the supply of athletic fields in Brookline. Excess demand forces the recreation department to book fields above what is recommended by the industry. The average athletic field in Brookline is used over 1,000 hours between the spring and fall. At that level of use, natural turf is destroyed and fields are damaged leading to an increased potential for injury. Excess demand for playing fields prevents the Parks and Open Space Division from resting fields for growing season to help the turf regenerate. In addition to natural turf conditions, this excess demand makes it difficult for Brookline High School to schedule the necessary field time for its competitive athletic programs and makes it impossible to offer club sports. A lack of club sports offerings means there's a potential for improving access to regular physical activity for Brookline youth if we could increase access to athletic fields.

### ***Benefits***

The benefits of installing new synthetic turf fields in Brookline are multifaceted. The Town of Brookline's Master Plan proposes a combination of synthetic and natural turf fields to meet this increased demand. Increasing the supply provides the Town of Brookline with an opportunity to improve equity in access to fields through a combination of distributing fields across town and providing access to club sports. Adding additional synthetic turf fields has the potential to improve opportunities for physical activity through a combination of longer playing seasons and fewer rain delays. Synthetic turf fields that are properly weighted and distributed with organic infill can help reduce the potential for injuries that we see in our overused and uneven athletic fields. In contrast natural turf that is treated organically, properly maintained, and allowed the proper periods of rest is the ideal. By its very nature, natural turf is an organic organism that captures small amounts of carbon, absorbs water, reduces the heat island effect, and allows for insects and animals to live.

### ***Risks***

Along with benefits, comes the potential risks of using synthetic turf. Due to the dermal proximation of individuals using the turf, there is the potential for dermal exposure. Methicillin-resistant *Staphylococcus aureus* (MRSA) has been found to be responsible for one-third of the outbreaks in athletes at high school and collegiate levels (Keller, 2020). The risk of MRSA transmission in the turf environment is partially a function of organism survival and its availability in the turf materials (Keller, 2020). MRSA was available for up to 96 hours on infill and 24 hours on turf fibers. Toxicity assays showed over 90% of MRSA cells remained viable after 6 hours of exposure to cork infill and sands while 79%, 71%, 68% and 17% of MRSA remained viable after exposure to polymer coated materials, crumb rubber, thermoplastic elastomer (TPE) rubber and ethylene propylene diene monomer (EPDM) rubber (Keller, 2020).

Another concern of synthetic turf is the potential to be exposed to polycyclic aromatic hydrocarbons (PAHs) and semi-volatile organic compounds (SVOCs). A study conducted by Pavilonis, evaluated the potential exposures from playing on artificial turf fields and associated risks to trace metals, SVOCs and PAHs by examining typical artificial turf fibers, different types of infill and samples from actual fields. Overall, the results found that the PAHs were below the limit of detection and no SVOCs were identified at

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quantifiable levels based on a match of their mass to compounds regulated in soil. The study did recommend using lead-free infill as there are no set regulations for lead by the EPA (Pavilonis, 2014).

The New York State Department of Environmental Conservation conducted an assessment of chemical leaching, releases to air, and temperature of crumb rubber infilled synthetic turf fields. Although the assessment focuses on crumb rubber infill, the results may still be beneficial. Three metals were detected, Zinc was detected in all samples with an average of  $1947.4 \pm 419.3$  ug/L in the first sample and an average of  $1150.1 \pm 95.4$  ug/L in the second sample. However, the findings were still below the groundwater standard/guidance value of 2000 µg/L. Iron and copper were detected above the groundwater standard in a small percentage of the samples, primarily from crumb rubber derived from truck tires. The remaining analytes detected were below the groundwater standard (NYSDEC, 2009).

Another chemical of concern, per-and polyfluoroalkyl substances (PFAS), which are found in many everyday items such as, packaging, non-stick, stain repellent, and waterproof products. PFAS can enter the environment through production or waste streams and are very persistent in the environment and the human body. There is toxicological evidence that some PFAS have adverse reproductive, developmental and immunological effects in animals and humans (EPA, 2021). As a result of this, leaching of PFAS has been a concern of synthetic turf fields. Stated in the Select Board-Advisory Committee Memorandum, the predominant processing agent being used by the synthetic turf manufacturers is the copolymer polyvinylidene fluoride-co-hexafluoropropylene (PVDF-HFP), this is a polymeric PFAS. PVDF-HFP is a common component used in medical devices such as stents, meshes, and replacement joints. The PVDF-HPV copolymer is a very large molecule that is not soluble in water. Since the PVDF-HPV copolymer is large, it has a high molecular weight and is believed to be too large to cross cell membranes. Thus, believed to pose less risk to human and ecological health (Weston & Sampson Engineers, 2022).

Injuries on synthetic turf have also been thought to be more prevalent. Meyers focused on game-related high school football injuries. They found that as infill surfaces decreased, injuries significantly increased across numerous playing conditions. Meyers suggests, based on findings, high school football fields should minimally contain 6 pounds of infill per square foot (Meyers, 2019). In another study lower extremity injury rates on artificial turf versus natural playing grass were reviewed. The study found that overall injury and knee injury were similar between the two playing surfaces. Although artificial turf may be associated with a higher rate of foot and ankle injuries compared to natural playing grass (Gould, 2022).

Synthetic turf has also been known to create a “heat island” effect due to the sun beating on the materials in the synthetic turf. Compared to natural grass fields which release water vapor and lead to a cooling effect rarely rising above 100°F. Turf fields, on the other hand, rise well above 100°F (Myrick, 2019). With what seems to be longer, hotter periods the heat island effect may be a cause for concern as the high surface levels can lead to dehydration, burns and blisters. Though concerning, there are ways to avoid health effects. It is recommended to use the turf fields outside of peak sun times, if the turf must be used during those times, researchers from Penn State’s Center for Sports Surface Research notes

that heavy watering before going on the turf can help reduce surface temperatures (Myrick, 2019).

***Health Commissioner Perspective***

The challenge for the Advisory Council on Public Health and Town Meeting is how do we address the poorly growing natural turf, the need to rest fields so they can be sustained in proper condition for the long term, the excess demand for regulation size athletic fields, and the lack of open space to build sufficient athletic fields? The Town of Brookline needs to balance this demand for additional regulation size athletic fields against the continuum of risk that comes with building athletic fields that use synthetic turf. The Town of Brookline Parks and Open Space Division has addressed some of the known risks by: committing to only use organic material/sand infill; using only turf systems that do not include regulated PFAS compounds; testing turf materials for PFAS, and requiring all future projects to be recycled or repurposed at the end of their life. As next steps, the Health Department recommends a committee or task force with diverse representation and expertise to fully explore these issues and develop a turf field policy for the Town of Brookline.

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### *Works Cited*

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- Myrick, Sonia. (2019). *Synthetic Sports Fields and the Heat Island Effect* | *Operations | Parks and Recreation Magazine* | NRPA. (n.d.). Retrieved March 31, 2022, from <https://www.nrpa.org/parks-recreation-magazine/2019/may/synthetic-sports-fields-and-the-heat-island-effect/>
- Vecchio, A., Gallentine C, E. (March 29, 2022). [\*Warrant Articles 23 and 24 \[Memorandum\]\*](#). Department of Public Works. PDF.

### **SCHOOL COMMITTEE STATEMENT**

On April 7, 2022, the School Committee voted 8-1-0 to recommend passage of WA23. Voting in favor were Mr. Pearlman, Ms. Charlupski, Ms. Ditkoff, Dr. Ehrenberg, Ms. Frias, Dr. Liu, Ms. Monopoli, and Ms. Nobrega. Voting opposed was Ms. Federspiel. The School Committee values the process of gathering information, soliciting community input, and pursuing informed evidence-based decision-making. Creation of an Athletic Field Surface Task Force would enable stakeholders to better understand the logistical, social, economic, and health (mental and physical) impacts on various proposals regarding field surfaces.

SELECT BOARD'S RECOMMENDATION

Article 23 is a petitioned resolution that asks the Park and Recreation commission to appoint an Athletic Field Surface Task Force charged with creating a draft Athletic Field Surface Policy for Parks and Recreation Commission to consider by September 1, 2022 and for the commission to hold a public hearing on this draft, which would then be finalized by October 15<sup>th</sup>.

The Board is supportive of the Advisory Committee's motion, which provides referral to a broader committee with a town-wide perspective.

A unanimous Select Board voted FAVORABLE ACTION on the motion offered by the Advisory Committee.

**ROLL CALL VOTE:**

<u>Aye:</u>	<u>Absent:</u>
Fernandez	Hamilton
Greene	
Aschkenasy	
VanScoyoc	

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ADVISORY COMMITTEE'S RECOMMENDATION

Note: This report is a "master report" which covers Warrant Article 23 and Warrant Article 24.

**Recommendations:**

By a vote of 22-0-2, the Advisory Committee recommends **Favorable Action** on **Article 23**, as amended.

By a vote of 15-7-1 the Advisory Committee recommends **Referral** of the subject matter of **Article 24** to the Athletic Field Surface Task Force, appointed pursuant to Article 23 at the 2022 Annual Town Meeting, with the understanding that maintenance or replacement of synthetic/artificial turf that has been installed and is existing prior to the adoption of this resolution, including, but not limited to, the synthetic/artificial turf fields at Skyline Park and at Soule Recreation, is permitted.



<b>Executive Summary:</b>	<p><b>Article 23</b>, as amended by the Advisory Committee, calls for the Select Board, in consultation with the Park and Recreation Commission and the Advisory Council on Public Health, to appoint an Athletic Field Surface Task Force consisting of individuals with diverse backgrounds in such areas as athletics, recreation, risk assessment, public health, toxicology, children’s socio-emotional development, etc. to develop decision guidelines relative to installing artificial turf or natural grass on the town’s athletic fields and to notify Town Meeting members of a required public hearing and of the results of its work, to be completed by October 15, 2022.</p> <p>By a vote of 22-0-2, the Advisory Committee recommends Favorable Action on Article 23, as amended</p> <p><b>Article 24</b>, as filed and subsequently amended by the petitioner (see Appendix at the end of this report), amends the Town’s By-Laws to create a three-year moratorium on the installation of synthetic turf on any Town property, but allows the replacement of the existing synthetic turf fields at Skyline Park and Soule Recreation. This would effectively bar the installation of a synthetic turf field at the new Driscoll School as is currently planned. After June 1, 2025, any new synthetic turf field would have to be free of organic fluorine, and after June 1, 2030, any replacement synthetic turf field would have to be free of organic fluorine.</p> <p>By a vote of 15-7-1, the Advisory Committee recommends referral of <b>Article 24</b> to the Task Force identified in Article 23.</p>
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<p><b>Voting Yes will...</b></p>	<p>Voting Yes on <b>Article 23</b>, as amended by the Advisory Committee, will result in the Select Board, in consultation with the Park and Recreation Commission and the Advisory Council on Public Health (ACPH), appointing a Task Force to develop decision guidelines relative to installing artificial turf or natural grass on the town's athletic fields and to notify Town Meeting members of a public hearing and of the results of its work, to be completed by October 15, 2022.</p> <p>Voting Yes to <b>refer Article 24</b> would prevent the imposition of Article 24's moratorium on the installation of new artificial turf fields, including the one proposed for the new Driscoll School, and would refer the subject matter of the article to the Athletic Field Surface Task Force.</p> <p>Voting Yes on the <b>Petitioner's motion under Article 24</b> would permit the replacement of the artificial turf fields at Skyline Park and Soule Recreation but would impose a three-year moratorium (until June 1, 2025) on the installation of new artificial turf fields, including the one currently planned for the new Driscoll School. Voting Yes would effectively require that the new Driscoll School field to be natural grass, consequently delaying the field's opening for a year</p>
<p><b>Voting No will...</b></p>	<p>Voting No on <b>Article 23</b>, as amended, would result in the Park and Recreation Commission having no guidelines generated by an expert panel to assist them in developing a policy by October 15, 2022 regarding the use of artificial turf versus natural grass for athletic fields.</p> <p>Voting No <b>to refer Article 24</b> and No <b>on the Petitioner's motion</b> under Article 24 would result in no study of artificial turf and natural grass fields by the Task Force described in Article 23 and no restrictions on installing artificial turf on any Town-owned properties, including Driscoll.</p>

<b>Financial impact</b>	<p>Artificial turf is more expensive than natural grass sod to purchase but less expensive to maintain. An analysis done for Harry Downes Field comparing the per-hour-of-use capital and maintenance costs for a natural grass field against those of an artificial field over a 20-year cycle concluded that: (a) the costs of the grass field (\$73/hour) would be slightly higher than those of the artificial field (\$64/hour) if the grass field were not closed for rest periods; and (b) would be about three times higher for the grass field (\$198/hour) than those of the artificial field (\$64/hour) if the grass field were closed for the recommended rest periods in order to preserve the quality of the field.</p> <p>Under current policy, if fields are not being used by the Brookline Public Schools or by the Recreation Department, they may be rented out to private user groups. Artificial turf fields can be rented out for a longer period during the year and under more varied conditions (i.e. after a rain storm), thus increasing potential revenue. The season for renting out grass fields is shorter and the weather conditions during which the grass fields can be rented are more limited.</p>
<b>Enforcement impact</b>	Not Significant
<b>Legal implications</b>	Not Significant

## Introduction

**Article 23**, as amended by the Advisory Committee, asks the Select Board, in consultation with the Park and Recreation Commission and the Advisory Council on Public Health, to form an Athletic Field Surface Task Force, composed of individuals who offer expertise in and perspective on such matters as athletics, recreation, education, environment/climate, toxicology, risk assessment, capital planning, public health, and the socio-emotional and physical development of children. The group would be tasked with developing decision guidelines relative to installing artificial turf or natural grass on the Town's athletic fields and subsequently notifying Town Meeting members of any public hearings and of the results of its work, to be completed by October 15, 2022, the deadline proposed by the petitioner. With the information generated by the Task Force, the Park and Recreation Commission would be able to develop a policy on the use of artificial turf or grass for athletic fields.

As originally proposed by the petitioner, the Park and Recreation Commission would appoint the Athletic Field Surface Task Force and request that it draft a policy regarding the uses of artificial turf and natural grass for athletic fields, after which the Park and

Recreation Commission would hold a public hearing and finalize the policy. As stated above, the deadline for completing this work would be October 15, 2022.

**Article 24**, as amended by the petitioners, proposes a by-law with the following provisions:

- 1) Brookline shall not install artificial turf on any town-owned property for three years except to maintain or replace existing artificial turf fields.
- 2) Beginning June 1, 2025, any new artificial turf field installed on town property must be free of organic fluorine as confirmed by the supplier and by tests conducted by an independent laboratory.
- 3) Beginning June 1, 2030, any replacement artificial turf field installed on town property must be free of organic fluorine as confirmed by the supplier and by tests conducted by an independent laboratory.

### **Evaluation Methodology/Research**

- Memorandum from Alexandra Vecchio, Director of Parks and Open Space and Erin Gallentine, DPW Commissioner relative to Articles 23 and 24  
<https://www.brooklinema.gov/DocumentCenter/View/30426/Article-23-and-24-Memorandum-03-30-2022?bidId=>
- Brookline's Athletic Field Deficit Challenge and FAQs  
(<https://www.brooklinema.gov/DocumentCenter/View/30427/Athletic-Playing-Field-Deficit--Solution-Summary-and-FAQs-03-30-2022>)
- "Intense Summer Heat Fluxes in Artificial Turf Harm People and Environment". C.Y. Jim, *Landscape and Urban Planning*, 157 (2017) 561-576.
- Park School Flyer on Turf (<https://www.brooklinema.gov/DocumentCenter/View/30475/Park-School-Flyer-on-Turf>)
- MAPC Brookline Vulnerability Assessment  
([https://www.brooklinema.gov/DocumentCenter/View/30744/MAPC\\_Brookline\\_Vulnerability\\_Assess\\_2017-12\\_p24-25](https://www.brooklinema.gov/DocumentCenter/View/30744/MAPC_Brookline_Vulnerability_Assess_2017-12_p24-25))
- October 19, 2021 Solid Waste Advisory Committee memo on Artificial Turf Field  
(<https://www.brooklinema.gov/DocumentCenter/View/30688/SWAC-Memo-on-Artificial-Turf-10-19-21>)
- April 6, 2022 Letter from Kayla Bennett, Director, Science Policy, Public Employees for Environmental Responsibility  
(<https://www.brooklinema.gov/DocumentCenter/View/30530/BrooklineTurfLtrFInal>)
- Letter from the co-chairs of the Select Board's Climate Action Committee re Cypress Playground Improvements/Synthetic Turf, October 23, 2017  
<https://www.brooklinema.gov/DocumentCenter/View/30748/Lttr-P-R-Cypress-Field-SCAC-2017-10-23>
- Multiple emails from members of the public
- Town Meeting's Vote on Special Appropriation 71 under Article 7 of the 2018 Town Meeting prohibited installing "plastic turf" on Cypress Field.

### **Discussion**

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The Advisory Committee held a meeting to discuss, deliberate, and vote on Warrant Articles 23 and 24 on April 14<sup>th</sup> at 7:00 pm.

[https://brooklinema.zoomgov.com/rec/share/fV4Yn\\_D0SZnbd5Bm7v11iOHU\\_PsxDZV6a4FrnDO3OWp4zHWOQ1lj-Z5\\_MIQ3HFj.8IKQyQZbE0eXRWd8](https://brooklinema.zoomgov.com/rec/share/fV4Yn_D0SZnbd5Bm7v11iOHU_PsxDZV6a4FrnDO3OWp4zHWOQ1lj-Z5_MIQ3HFj.8IKQyQZbE0eXRWd8)

Access Passcode: Q.T^=Wh2

**Article 23**, filed in response to Article 24, recognizes that deciding whether to install artificial turf or natural grass surfaces on athletic fields requires technical expertise from across a variety of disciplines. It also requires balancing the demand for outdoor athletic opportunities against the potential health risks resulting from exposure to certain chemicals and the potential environmental impacts of an artificial surface, including the creation of heat islands, and the challenge to recycle or repurpose artificial turf that has outlived its useful life. Therefore in response to the need for the public in general and Town Meeting members in particular to have access to relevant and accurate information to consider the issue of artificial turf versus natural grass fields, the article, as amended by the Advisory Committee, presents a resolution by which Town Meeting would urge the Select Board, in consultation with the Park and Recreation Commission and the Advisory Council on Public Health, to appoint a Task Force on Athletic Field Surfaces.

The Task Force would comprise individuals with specified relevant expertise and experience. The Advisory Committee further recommends that the Task Force be charged with developing decision guidelines (a “decision-making tree” or rubric of pros and cons for synthetic turf versus natural grass) to help inform any policy developed by the Park and Recreation Commission that addresses materials to be used for athletic field surfaces. The Advisory Committee has adopted the completion date of October 15, 2022 as originally proposed by petitioner. While the Committee recognizes that this is an ambitious timeline, it also notes that the role of the Task Force will not be to undertake new research or to develop policies, but rather to review and synthesize existing relevant information into guidelines that can be considered by the Park and Recreation Commission. Moreover, it notes that the timeline may be critical to the necessary final decision on the Driscoll School field.

As noted previously, the original article stipulated that the Park and Recreation Commission be the appointing authority and that the Task Force produce an Athletic Field Surface Policy identifying the circumstances under which synthetic turf or natural grass should be utilized for athletic fields. The Advisory Committee, however, believes that the appointing authority should have a Town-wide perspective and access to a wide range of networks, including those with expertise relating to the concerns relevant to this issue. Consequently its recommended motion requests that the Select Board, in consultation with the Commission and Advisory Council on Public Health, make Task Force appointments. The Advisory Committee also believes that the responsibility for developing the policy for athletic field surfaces, as with other policies pertaining to recreational activities and recreational facilities, should rest with the Park and Recreation Commission.

**Article 24** was filed to amend the Town’s General By-Laws by adding a new By-Law that, in addition to imposing a three -year moratorium on the creation of additional artificial turf fields, also provides a timeframe that would prohibit any new artificial turf from being used unless it is composed of materials that meet specific standards. Two tests

are required in the proposed By-Law to meet those standards; one is broad in nature, while the other is more precise but limited, at the present time, to testing for only 12 out of more than 12,000 chemicals. Under the proposed By-Law, the testing requirement for replacing existing artificial turf with new artificial turf becomes effective on June 1, 2030, but for new artificial turf fields, the effective date is June 1, 2025.

There are currently four artificial turf fields in the town: Skyline Park, Soule Recreation, Ridley School, and Harry Downes Field. Article 24, as amended by the petitioner, would permit new artificial turf to replace existing artificial turf at Skyline Park (a project scheduled for FY 23) and at Soule Recreation (a project scheduled for FY 27). It would prohibit the currently planned installation of artificial turf on the field at the new Driscoll School. The cost of changing the current plan and designing and installing a grass field is not fully known as this time; an initial analysis, however, reflects a neutral project budget impact but a significant delay in the opening of the field.

The petitioners note that the presence of toxic chemicals in materials that are used to manufacture synthetic turf are of concern and that the relatively recent identification of PFAS in artificial turf makes that concern even greater. In addition, once artificial turf can no longer be played upon, its disposal becomes problematic because there are currently few ways that it can be recycled or repurposed. Furthermore, the Green House Gas emissions associated with the manufacture and installation of synthetic turf contribute to climate change, as do the documented urban heat islands that synthetic turf fields create in sunshine. Although acknowledging additional costs to the Town both in terms of maintaining grass fields (see “Financial Impact” above) and renting fields elsewhere to meet the demand for athletic fields, Article 24’s petitioners and supporters emphasize that the environmental costs of artificial turf fields are far more significant.

The petitioners have noted that Article 24 is supported by the Advisory Council on Public Health and the Solid Waste Advisory Committee and further note that the continuing use of artificial turf contradicts the Town’s Zero Waste Framework and Town Meeting’s Declaration of a Climate Change Emergency. In addition, in response to the argument that artificial turf has already been approved and budgeted for the field at the new Driscoll School, the petitioners point out that PFAS information was not available to the Driscoll Building Committee when it reviewed and approved those plans.

The Advisory Committee recognizes the validity of the issues raised by Article 24’s petitioners and supporters. At the same time, it notes the arguments that studies regarding adverse health effects from PFAs focus on such things as their presence in drinking water rather than in playing fields. It also recognizes the legitimacy of the arguments made by its opponents who note the scarcity of playing fields in general, the demands on the fields that do exist, the restricted use of grass fields due to weather, the inability of grass to withstand constant use and the need to “rest” grass fields to maintain the grass, the resulting loss of recreational opportunities on grass fields due to weather and maintenance needs, and the very real need of people - and children in particular - to have access to outdoor recreational activities, exercise, and social interaction with their peers through informal and formal athletic opportunities. Based on the majority of emails received and comments made at the Capital Subcommittee’s hearings, the Advisory Committee finds that many members of the Driscoll School Community favor an

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artificial turf field, and moreover do not want an additional, unnecessary delay in the availability of a field after the new Driscoll School opens.

The Advisory Committee further notes that for the near future, Article 24 would have no practical impact on plans for athletic fields in the town were it not for the current plans for an artificial turf field at the Driscoll School and the time pressure that its installation schedule imposes. If Town Meeting approves Article 24 as proposed, the replacement of the artificial turf at Skyline Park and Soule Recreation could proceed, but an artificial turf field at Driscoll would be prohibited without the Park and Recreation Commission or Town Meeting having the benefit of the analysis and guidance to be generated by the Task Force.

A majority of Advisory Committee members recommends referral of Article 24 to the Task Force identified in Article 23 with the belief that this panel, with its diverse perspectives and expertise, will be helpful in pinpointing the critical factors that should be considered in developing a policy that seeks to strike a balance between the current conflicting goals expressed by supporters and opponents of Article 24.

### **Recommendations**

#### **ARTICLE 23**

By a vote of 22-0-2, the Advisory Committee recommends Favorable Action on the following motion under Article 23, as amended: (Additions are underlined and bolded, and deletions appear in stricken text.)

#### **VOTED:**

WHEREAS Town Meeting is responsible for funding capital and operating budgets to install and maintain Brookline's athletic fields; and

WHEREAS the Park and Recreation Commission recently oversaw the completion of the 2020 Athletic Fields Needs Assessment and Master and the Parks, Open Space and Recreation 2020 Strategic Master Plan Update, which concluded "The quantity and size of Brookline's athletic fields, especially multi-use turf fields, continue to not meet the current demand or the Level of Service standards for Brookline;" and

WHEREAS Brookline has recently installed a synthetic turf athletic field at the Ridley School, a grass turf athletic field at the Cypress Street Playground, and is planning to install a synthetic turf athletic field at the new Driscoll School where building construction has already begun; and

WHEREAS Brookline is implementing several best practices when procuring synthetic turf athletic field, including (a) procuring only organic infill for its synthetic turf athletic fields to avoid potential health risks associated with crumb rubber and to dramatically reduce "heat island" effects; (b) developing additional technical specifications in its Request for Proposals, such as requiring manufacturers to disclose whether their products

contain certain chemicals of concern; and, requiring vendors to indicate whether and how they will recycle or repurpose turf components when Brookline uninstalls them; and

WHEREAS some concerns have been expressed about the environmental, safety, and health impacts of synthetic turf and of grass turf, and that installing grass turf in locations with high usage quickly transforms the surface to compacted dirt, reducing its safety, availability, and aesthetics; and

WHEREAS the decision between installing grass turf or synthetic turf at a particular athletic field entails many complicated tradeoffs, including: (1) how much time the field can be used each week to prevent compaction that can impede safety, (2) how much time the field will be unavailable for use during and following wet weather, (3) how much time the field will be unavailable for use each spring and fall for “rest periods”, (4) how consistently and for how long the playing surface will retain its original desirable properties given anticipated usage intensity (e.g., soft grass versus compacted dirt), (5) equity concerns associated with accessing alternative field space—often beyond walking range, necessitating driving—when field closures occur due to wet weather or seasonal rest periods, or if program constraints are imposed to preserve field surface conditions; (6) risk of user injury, (7) risk of user safety associated with possible heat island effects, (8) possible health risks associated with chemical exposure, (9) end-of-life disposition, (10) installation costs; (11) maintenance costs, (12) replacement or revitalization frequency, **(13) climate change mitigation** and adaptation and perhaps additional criteria; and

WHEREAS the Brookline Park and Recreation Commission lacks a formal policy guiding the circumstances under which it will recommend that athletic fields should be grass turf or synthetic turf; and

WHEREAS a nuanced understanding of the many factors involved should inform such a policy, diverse expertise should be brought to bear to consider their tradeoffs, consult with the wide array of ~~effected~~ **affected** stakeholders, and be developed through a public meeting process, and Town Meeting itself does not possess all the required expertise or the time to sufficiently consider the tradeoffs to develop an appropriate policy for Brookline.

NOW THEREFORE BE IT RESOLVED THAT:

Town Meeting ~~urges the Parks and Recreation Commission to~~ **requests the Select Board, in consultation with the Park and Recreation Commission and the Advisory Council on Public Health, to take the following actions:**

(1) **Understanding that time is of the essence, that by June 30, 2022,** ~~A~~ appoint an Athletic Field Surface Task Force, consisting not only of ~~a few Parks~~ **Park** and Recreation Commission **and Advisory Council on Public Health** members, **or their designees**, but also other community **members, individuals with professional expertise** and **Town and School** staff ~~members~~ that bring diverse perspectives such as athletics, recreation, **turf management**, ~~the Public Schools of Brookline,~~ **education**, environment/climate, toxicology, risk assessment, public health, children’s socio-emotional and physical development, capital planning, and perhaps other domains;



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(2) Charge the Task Force to conduct its meetings in a manner that is consistent with the provisions and intent of the Open Meeting Law;

(3) Charge the Task Force with proposing a ~~draft~~ Athletic Field Surface ~~Policy~~ **Decision Guidelines** to the Parks and Recreation Commission **and to the Select Board** by September 1, 2022;

(4) **Charge the Task Force to h**Hold at least one Public Hearing to receive feedback on the ~~draft policy~~ **Decision Guidelines**, notifying **the public and** Town Meeting Members of the Public Hearing;

(5) **Charge the Task Force to report out** Finalize ~~and adopt~~ the **final** Athletic Field Surface ~~Policy~~ **Decision Guidelines**, and notify Town Meeting Members **and the public** of ~~its~~ **their** completion, by October 15, 2022.

## ARTICLE 23 ADVISORY COMMITTEE VOTES

Article Description	Athletic Field Task Force
AC recommendation (Favorable Action unless indicated)	22-0-2
Scott Ananian	Y
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	Y
Cliff Brown	Y
John Doggett	Y
Katherine Florio	Y
Harry Friedman *	
David-Marc Goldstein	A
Neil Gordon	Y
Susan Granoff	Y
Kelly Hardebeck	Y
Anita Johnson	Y
Georgia Johnson	
Alisa Jonas	A
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	Y
Donelle O'Neal, Sr.	Y
David Pollak	Y
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	Y
Alok Somani	Y
Christine Westphal	Y
Dennis Doughty	
* Chairperson does not vote except to break a tie	

ARTICLE 24TWENTY-FOURTH ARTICLE

Submitted by: Clint Richmond TMM6, Claire Stampfer, Susan Helms Daley TMM1,  
Andrew Fischer TMM13

To see if the Town will amend the General Bylaws by adding the following Article:

## ARTICLE 8.X ARTIFICIAL TURF SURFACES

## ARTICLE 8.X.1 DEFINITIONS

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpet-like materials made to resemble natural grass used as a surface for athletics, sports or other recreational activities.

"Targeted PFAS testing" uses EPA approved Methods such as 533, 537.1 and others that are appropriate to solid materials to detect specific PFAS (Per- and polyfluoroalkyl substances).

"Total organic fluorine test" refers to any test that measures total fluorine such as Total Organic Fluorine (TOF) Assay.

## ARTICLE 8.X.2 RESTRICTIONS

(a) The Town of Brookline shall neither install nor authorize or allow the installation of synthetic/artificial turf on any property owned by the Town, for a period of three years from the effective date of this moratorium. This moratorium shall not apply to the maintenance or replacement of any synthetic/artificial turf field that has been installed and is existing prior to the adoption of this bylaw amendment.

(b) Beginning June 1, 2025, any new or replacement artificial turf field on Town property must be free of organic fluorine as attested by the supplier, and determined by total organic fluorine test and targeted PFAS testing conducted by an independent laboratory acceptable to the Town of Brookline.

## ARTICLE 8.X.3 SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

or act on anything relative thereto.

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PETITIONER'S ARTICLE DESCRIPTION

There is a legitimate need for more athletic fields and the ability to extend the use time for the existing fields, which are too often not available due to too much or too little rain or the “rest” time necessary for natural grass to stay healthy. Given the lack of available space for new parks, there is a Town plan to install plastic turf in place of natural grass.

Artificial turf was commercialized in the late 1960s. Turf only recently arrived in Brookline. The first field was at Downes in 2006 largely funded by two major outside grants from professional football interests. Today, the Town has 6.75 acres of grass that have been converted to plastic artificial turf, while private schools and universities have additional ones that the Town can use. Brookline Town Meeting voted down an artificial field at Cypress Field in May 2018, which was before we learned about PFAS. And now a small field is being proposed for Driscoll. This background is why this by-law is needed.

We have only recently started to learn the full hazards of plastic turf. The hazards of turf can be divided as follows:

1. Human health issues:
  - The known toxicity of the various synthetic chemicals used in these artificial systems. PFAS has been found in nearly all fields tested, particularly in the blades including fluorinated co-polymers. The lab report from the manufacturer showed one PFAS in the blades of the new Downes field. Testing at Martha's Vineyard also found PFAS in the samples for the shock pad and the adhesive used to seal the seams between pieces of turf carpet.<sup>1</sup> There are at least 900 known plastic additives and 5% of them are PFAS or similarly hazardous chemicals. Turf plastics also often contains toxic heavy metal fillers such as lead, chromium, and cadmium. Turf blades come in direct contact with field users, such as soccer goalies, and particles can adhere to players.
  - Turf fields can be so hot that they can even cause skin burns and heat-related illness.<sup>2</sup>
2. Environmental concerns. These include:
  - Carbon emissions that result from the manufacture of fossil-fuel based plastics and additives.

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<sup>1</sup> Synthetic Turf Laboratory Testing and Analysis Summary Report  
Martha's Vineyard Regional High School Athletic Fields Project (DRI 352-M4) Oak Bluffs Massachusetts.  
[https://www.mvcommission.org/sites/default/files/docs/2021-02-26%20%28TurfAnalysisReport\\_FINAL%29.pdf](https://www.mvcommission.org/sites/default/files/docs/2021-02-26%20%28TurfAnalysisReport_FINAL%29.pdf)

<sup>2</sup> TURI, Athletic Playing Fields: Choosing Safer Options for Health and the Environment,

- Turf creates heat islands. Natural grass is cooling, while turf is 37° hotter than asphalt. Synthetic turf also can stress nearby vegetation with dryness and heat
  - Runoff of water, both by replacing natural drainage with the equivalent of paved surfaces that require drainage systems. The run-off from the turf can contain turf chemicals and particles which are passed on to plants and animals and, ultimately the human food chain.
3. Solid Waste - each full-size field generates over 100 tons of waste at the time of disposal. The waste is landfilled or incinerated, because it cannot be recycled, which generates further environmental hazards from landfill runoff or incinerator products.
  4. Injuries to athletes. This is such a serious risk that the National Football League Players Association has called for the elimination of all plastic turf fields, both practice fields and game fields due to elevated injuries.<sup>3</sup>

The US EPA tracks over twelve thousand PFAS compounds. EPA's analytical Method 537 only tests 14 of them (or 18 depending on the version), which is less than 0.2% of the possible total. So there can be no assurance about the presence of PFAS in turf that relies on this limited method, which is why this by-law also requires total organic fluorine testing.

Environmental groups such as NRDC and Earthjustice often suggest "no safe level of exposure to PFAS". We should not be exposing our vulnerable schoolchildren to PFAS and other toxic chemicals, nor adding them to the environment via artificial turf. When turf is at school playgrounds such as Ridley or as proposed at Driscoll, there is no way for the students to fully opt out of this exposure, which is unfair.

Economic costs are also not favorable. Plastic turf has a high initial capital cost, a short lifetime on the order of ten years, and high maintenance costs.

There is no state or Federal comprehensive environmental regulation of plastic turf. Chemicals in infill are just one piece of the picture. Crumb rubber made from recycled tires, also referred to as **tire crumb** or as styrene butadiene rubber (SBR), is present in a large number of artificial turf fields. Some of the chemicals found in tire crumb are endocrine disruptors (e.g., phthalate esters); some are known or suspected carcinogens (e.g., arsenic, cadmium, benzene, styrene); and some are associated with other human health effects.<sup>4</sup> Three out of the four Town artificial fields were originally installed with highly toxic crumb rubber, and one of those has since been replaced with a corknut infill (cork and nut shells). The Department of Public Works has committed to organic infill since 2019.

<sup>3</sup> See <https://nflpa.com/posts/only-natural-grass-can-level-the-nfls-playing-field>

<sup>4</sup> See Turf Report Dec., 2018, Toxic Use Reduction Institute (TURI), University of Mass. Lowell [https://www.turi.org/var/plain\\_site/storage/original/application/b9727dedf5860ae7e83e3226d058b7ee.pdf](https://www.turi.org/var/plain_site/storage/original/application/b9727dedf5860ae7e83e3226d058b7ee.pdf)

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The justification for plastic turf fields is that they allow greater playing time with less maintenance. However the town has not assessed the true costs of plastic turf, including both the health and environmental costs and the real economic costs compared to viable organic alternatives. The Toxic Use Reduction Institute at UMass Lowell has developed a program of organic maintenance, without using toxic fertilizers, that has proven effective in maintaining healthy natural grass athletic fields in communities as diverse as Marblehead, Martha's Vineyard, Springfield, Natick, Newton, Wellesley and Lowell.<sup>5</sup>

Our neighbors in Wayland and Concord have imposed three-year moratoria on plastic turf on town property. Concord renewed its moratorium in 2019 and is the process of renewing again in 2022. A three-year moratorium will allow us to assess, balance and compare the cost, risks and benefits of plastic turf versus a proper organic maintenance system. Before committing town funds and town open space to being covered with an artificial chemical surface, we owe our children and our environment a fair and open cost benefit analysis of what we are doing.

The Climate Justice Committee of First Parish in Brookline, and the Massachusetts Sierra Club have already endorsed this warrant article with other organizations expected to follow.

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### **MOTION OFFERED BY THE PETITIONERS**

MOVED: That the Town will amend the General Bylaws by adding the following Article:

#### **ARTICLE 8.X ARTIFICIAL TURF SURFACES**

##### **ARTICLE 8.X.1 DEFINITIONS**

"Synthetic/artificial turf" means any of various artificial, synthetic or partially synthetic carpet-like materials made to resemble natural grass used as a surface for athletics, sports or other recreational activities.

"Targeted PFAS testing" uses EPA approved Methods such as 533, 537.1 and others that are appropriate to solid materials to detect specific PFAS (Per- and polyfluoroalkyl substances).

"Total organic fluorine test" refers to any test that measures total fluorine such as Total Organic Fluorine (TOF) Assay.

##### **ARTICLE 8.X.2 RESTRICTIONS**

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<sup>5</sup> See [https://www.turi.org/Our Work/Community/Organic Grass Care](https://www.turi.org/Our_Work/Community/Organic_Grass_Care)

(a) The Town of Brookline shall neither install nor authorize or allow the installation of synthetic/artificial turf on any property owned by the Town, for a period of three years from the effective date of this moratorium. This moratorium shall not apply to the maintenance or replacement of any synthetic/artificial turf field that has been installed and is existing prior to the adoption of this bylaw amendment.

(b) Beginning June 1, 2025, any new ~~or replacement~~ artificial turf field on Town property must be free of organic fluorine as attested by the supplier, and determined by total organic fluorine test and targeted PFAS testing conducted by an independent laboratory acceptable to the Town of Brookline.

(c) Beginning June 1, 2030, any replacement artificial turf field on Town property must be free of organic fluorine as attested by the supplier, and determined by total organic fluorine test and targeted PFAS testing conducted by an independent laboratory acceptable to the Town of Brookline.

#### ARTICLE 8.X.3

#### SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

### **PARK AND RECREATION STATEMENT**

On April 26, 2022 the Park and Recreation Commission voted 6 – 1, No Action on Article 24. Voting in favor of No Action were J. Bain, N. O'Connor, W. Sheridan Ames, C. Batchelor, T. Mooney and J. Pan. Voting against was A. Bellalta.

The Park and Recreation Commission has strong opposition to a moratorium on installing synthetic turf in Brookline. Based on current information and information outlined in the Athletic Fields Needs Assessment and Master Plan, the Commission feels that the strategic placement of synthetic turf fields in town should be part of how we work to meet the overwhelming demands for our limited athletic fields. There is an increase in the overall desire to be outside and recreating. There is an increase in both adult and youth users. There is an increase in the school population that relies on these fields for physical education, recess, and after-school play.

Currently there is no plan for a new synthetic turf playing field for the next 6 or more years in the Department of Public Works – Park and Open Space Division's Capital Improvement Plan. The synthetic fields that we do have are incredibly important to many residents in town as well as the programming needs. The commission strongly favors studying all of the information that is available in order to make a sound decision.

### **SCHOOL COMMITTEE STATEMENT**

On April 7, 2022, the School Committee voted 3-4-2 on whether to recommend passage of WA24. Voting in favor were Ms. Federspiel, Ms. Monopoli, and Ms. Nobrega. Voting

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opposed were Ms. Charlupski, Ms. Ditkoff, Ms. Frias, and Dr. Liu. Dr. Ehrenberg and Mr. Pearlman abstained.

The School Committee was divided on whether to support a moratorium on installing new artificial turf surfaces. Multiple School Committee members expressed concern for the toxicity of synthetic chemicals, such as PFAS, utilized in artificial turf surfaces, and the health risks that such chemicals could pose to students, the community, and the environment. Other concerns included the hotter surface temperatures of synthetic turf compared to natural grass, potential groundwater contamination, and the broader climate change impact from the manufacture of synthetic turf. On the other hand, some School Committee members noted that the science is not entirely clear yet as to the scope and severity of potential medical harm to individuals, and that artificial turf surfaces allow for greater playing time with less regular maintenance. Absent synthetic surfaces, children would not be able to play as much outside due to the tendency of natural grass to become water logged and/or erode into uneven dirt patches, thereby leading to field closures, a problem which would become further exacerbated by a moratorium on new artificial turf surfaces. Some School Committee members expressed concern about children's social-emotional well-being from less time outside on fields, and how it would be inequitable insofar as children from more affluent families could still play at non-town/school private fields not readily accessible to those of lower economic means. School Committee members acknowledged the difficulty of weighing these competing factors, however some emphasized that community processes at both the Ridley School and Driscoll School ultimately led to the decisions to install synthetic turf surfaces as a part of their new school designs. Some School Committee members were uncomfortable with taking a position on WA24 that could usurp, in the case of the new Driscoll School, existing plans, contracts, and timelines from an already completed process that selected artificial turf. Abstaining School Committee members felt that passage of WA 23 could inform on the risks of artificial turf prior to Fall Town Meeting, and before field surface installation at Driscoll School.

#### SELECT BOARD'S RECOMMENDATION

A report and recommendation will be included in the Supplement mailing.

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#### ADVISORY COMMITTEE'S RECOMMENDATION

For the full Advisory Committee report on Warrant Article 24, see the "master report" included with the report on Warrant Article 23.

#### **Recommendation:**

By a vote of 15-7-1 the Advisory Committee recommends **Referral** of Article 24 to the Task Force identified in Article 23, with the understanding that the maintenance and replacement of the artificial turf installed prior to the adoption of this resolution, including Skyline Park and Soule Recreation, may proceed.



**VOTED:**

To refer the subject matter of Article 24 to the Athletic Field Surface Task Force, appointed pursuant to Article 23 at the 2022 Annual Town Meeting, with the understanding that maintenance or replacement of synthetic/artificial turf that has been installed and is existing prior to the adoption of this resolution, including, but not limited to, the artificial turf fields at Skyline Park and at Soule Recreation, is permitted.

**XXX**

ARTICLE 25TWENTY-FIFTH ARTICLE

Submitted by: Clint Richmond TMM6, Louise Bowditch, Deane Coady

To see if the Town will amend the General Bylaws by adding the following Article:

ARTICLE 8.XSINGLE-USE PLASTIC PRODUCTSARTICLE 8.X.1 DEFINITIONS

Glitter: decorative particles that are shiny or reflective and less than six (6) millimeters along the longest dimension.

Microbeads: Microbeads are a type of microplastic or tiny particles of plastic less than one millimeter in diameter. These plastics are most often polyethylene, but can also be made of other petrochemical plastics such as nylon, polypropylene, polystyrene, acrylic, and polyethylene terephthalate (PET).

Single-use plastic (SUPs) products: plastic products or primary packaging that are generally used only once.

ARTICLE 8.X.2 RESTRICTIONS

(a) No retailer shall sell or distribute:

- (1) plastic ear swabs,
- (2) single-use floss picks with plastic handles,
- (3) over-the-counter cosmetic or health and beauty aid products that contain microbeads or plastic glitter,
- (4) plastic wet wipes other than those designed and marketed for medical applications,
- (5) plastic balloon sticks,
- (6) alcoholic beverages in plastic bottles that are 100 ml or less in volume.

(b) No retailer shall sell or distribute single-use plastic products as may be identified in regulations promulgated by the Select Board to further the purposes of this Bylaw, following a duly noticed public hearing.

ARTICLE 8.X.3 EXCLUSIONS

- (a) This by-law does not regulate prescription products.
- (b) This by-law does not regulate microbeads that are covered by any preemption provision of the federal [Microbead-Free-Waters Act of 2015](#) or any other state or federal law.
- (c) This by-law does not apply to businesses that are primarily service businesses such as restaurants, medical and dental offices, and hair and nail salons.

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## ARTICLE 8.X.4 ENFORCEMENT

The Brookline Department of Public Health shall be responsible for enforcement and any regulation.

This by-law shall not be enforced prior to January 1, 2023.

## ARTICLE 8.X.5 SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

And amend section 10.2 PROSECUTIONS AND ENFORCEMENT as follows:

### **DIRECTOR OF HEALTH & HUMAN SERVICES**

Part VIII-Public Health & Safety

Articles 8.1, 8.2, 8.3,

8.4, 8.6, 8.7,

8.8, 8.9,

8.10,8.11,

8.12,8.13,

8.14, 8.15,

8.16, 8.22,

8.23, 8.32,

8.37, 8.38

By adding this article number to the list of Articles following “8.38”.

And amend section 10.3 NON-CRIMINAL DISPOSITION to include the following enforcement schedule:

## ARTICLE 8.XSINGLE-USE PLASTIC PRODUCTS BY-LAW

Per product:

Initial Violation	Warning
First Offense	\$50.00
Second and Subsequent	\$100.00

or act on anything relative thereto.

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### PETITIONER'S ARTICLE DESCRIPTION

Single-use plastics have become a scourge of the modern era. They are found everywhere as litter including in Brookline.

Plastic directly harms human and environmental health. Some intermediate plastic chemicals are toxic (such as benzene and the monomers in PVC and polystyrene, which are carcinogenic). Plastic products contain various undisclosed toxic petrochemical additives such as plasticizers (phthalates), colorants, and ultraviolet blockers. Some health and beauty products contain microbeads, which are intentionally added microplastics. Larger plastic products typically become microplastics and can get into our sewage system, waterways and oceans causing permanent pollution. Microplastics have recently been found in the air (and consequently in rainfall and snowfall<sup>1</sup>) and in tap water (with the US having the highest incidence of 94% and highest concentration)<sup>2</sup>. Plastic products are often ingested by animals injuring them and sometimes leading to their death. Once consumed by animals, they can enter the human food chain. In 2021, Canada added *all plastic* to its list of toxic substances, which opens the door for further Federal regulation.

Plastic contributes significantly to climate impacts from both energy consumption and emissions of greenhouse gases from manufacturing. A recent study was recently titled “The New Coal: Plastics and Climate Change” because “The U.S. plastics industry’s contribution to climate change is on track to exceed that of coal-fired power in this country by 2030.”<sup>3</sup> Manufacturing workers and locations, which are frequently environmental justice communities, bear disproportionate burdens.

In 2018, the European Union adopted a comprehensive Single-Use Plastics plan that covers products that are “the 10 most found plastic waste items on Europe’s beaches”. Some (such as plastic shopping bags and food packaging) are already included in Brookline by-laws. This article would begin by covering two additional products banned under this regulation (plastic ear swabs and balloon sticks) and adds others from a new proposed state law. In Massachusetts, Chelsea and Falmouth have already banned nip bottles. Passing this by-law will support legislation in other municipalities and ultimately at the state and Federal level.

None of these items are recyclable (except possibly nip bottles which are generally too small to be sorted and collected automatically). We cannot get to zero waste until we eliminate non-recyclable plastic. Furthermore, plastic and their chemical additives are toxic, and will be released from landfills primarily in leachate, which further argues for restrictions. All of these items except for microbeads are found as visible litter. Floss sticks and nip bottles are found in large volumes and Brookline is not exempt. Plastic floss sticks were invented

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<sup>1</sup> “White and wonderful? Microplastics prevail in snow from the Alps to the Arctic”  
<https://advances.sciencemag.org/content/5/8/eaax1157>

<sup>2</sup> “Invisibles: The plastic inside us” [https://orbmedia.org/stories/Invisibles\\_plastics/](https://orbmedia.org/stories/Invisibles_plastics/)

<sup>3</sup> <https://www.beyondplastics.org/plastics-and-climate>

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in the 1970's. Wet wipes became prevalent only in the 1990's, but have caused significant problems for sewage systems.<sup>4</sup>

This by-law regulates common products with ready substitutes such as wood in the case of ear swabs, floss picks, and balloon sticks; and paper for balloon sticks and ear swabs. Bamboo is a popular alternative for wet wipes, some of which are washable. With the growing concern around plastics, the market for alternatives has been growing significantly over recent years.

Because there are so many plastic products and their number is growing, this by-law also allows the Select Board to further regulate single-use plastic products. The expectation is that the list of regulated products could be extended in the future. In this process, the Select Board could consult with other town bodies such as the Solid Waste Advisory Committee or Advisory Council on Public Health.

The Climate Justice Committee of First Parish in Brookline, and the Massachusetts Sierra Club have already endorsed this warrant article with other organizations expected to follow.

### **ADVISORY COUNCIL ON PUBLIC HEALTH REPORT ON ARTICLE 25**

[On April 7, 2022, a public hearing](#) was held to hear presentations from petitioners and Health Department staff on the health implications and potential benefits related to the expansion of the Sustainable Containers and Packaging bylaw, as well as to listen to citizens' comments and concerns regarding Warrant Article 25. The following week on April 14<sup>th</sup>, the Advisory Council on Public Health (ACPH) [deliberated and voted on Warrant Articles 25. Discussion of Warrant Article 25 begins at 01:02:00 of the recording.](#)

During Deliberations ACPH members shared a desire to reduce the manufacturing and use of plastic products as they are harmful to our health and the environment and many plastic products are not recycled. Several members noted the connection to petroleum and the Town of Brookline's efforts to address climate change. ACPH members were concerned about the scope of the warrant article as it impacts a number of products and retailers placing a significant burden on an understaffed Health Department. There was considerable discussion about the inequitable impact of this warrant article on lower income residents. Although there are alternative products for wet wipes the added cost to lower income parents was of significant concern to ACPH. There was also discussion about the potential negative health impacts of banning floss picks that improve the uptake of flossing, improving oral health. Several members discussed the desire to see a future warrant article that addresses plastic nip bottles. Other communities have already set the precedent on banning all types of nip bottles as a substance misuse prevention tool as well as a litter reduction effort.

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<sup>4</sup> "New Study Confirms 'Flushable' Wipes Don't Disperse in Sewer Systems"

[https://www.mswmag.com/online\\_exclusives/2019/05/new-study-confirms-flushable-wipes-dont-disperse-in-sewer-systems](https://www.mswmag.com/online_exclusives/2019/05/new-study-confirms-flushable-wipes-dont-disperse-in-sewer-systems)

**Outcome Warrant Article 25**

Dr. Schaff made a motion to take no action on Warrant Article 25, but that ACPH supports reduction in the use of plastics, particularly single use plastics, second by Dr. Homer.

- Natalia Linos - Yes
- James Perrin - Excused Absence
- Tony Schlaff - Yes
- Pat Maher - Yes
- Charles Homer - Yes
- Rosemarie Roque Gordon - Yes

ACPH voted on April 14, 2022 5 in favor of the motion and 0 opposed to recommend no action on Warrant Article 25 to Town Meeting.

**Public Health Background: Prepared by Department of Public Health and Human Services**

In 2020, Brookline produced approximately 8,600 tons of solid waste. In the US, plastic waste makes up about 13% of solid waste. There are numerous health concerns related to single use plastics, from the environmental impact of litter to expanding landfills or sending waste to incinerators. Then there's the issue of micro plastics, the small particles of broken-down plastic that are being found in our soil, our water and even our blood and lungs.

Proposed Warrant Article. The Spring 2022 Town Meeting will review and vote on a proposed [Warrant Article 25](#). This Warrant Article seeks to amend the general bylaws to expand the existing regulation of single use plastics to include additional items listed below.

- (a) No retailer shall sell or distribute: (1) plastic ear swabs, (2) single-use floss picks with plastic handles, (3) over-the-counter cosmetic or health and beauty aid products that contain microbeads or plastic glitter, (4) plastic wet wipes other than those designed and marketed for medical applications, (5) plastic balloon sticks, (6) alcoholic beverages in plastic bottles that are 100 ml or less in volume.

**Benefits**

There are numerous benefits to the environment and human health from reducing our reliance on single use plastics. For the environment, there's an opportunity to reduce our reliance on petroleum-based products and reduce our solid waste. Existing disposable wipes put a significant [burden on our waste water systems](#). The proposed warrant article would provide the Health Department with new opportunities to partner with the business community to reduce plastic waste and engage the community on better alternative products. Removing certain single use plastics might also help reduce litter in Brookline and reduce microplastics that end up in our environment and our bodies

**Challenges**

The proposed warrant article is an unfunded mandate on the Health Department. To properly enforce this bylaw would require additional staff time and would require some combination of hiring new staff or increasing the hours of existing part-time staff. The additional staff time is required to help write and implement the regulation, engage and

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educate the business community and public regarding the new regulation, inspect stores, write reports, hold hearings, fine stores that are not in compliance, re-inspect stores, and respond to complaints. At this point it is unclear how many retail stores carry these plastic products, and many of the local businesses are not currently regulated by the Health Department.

The enforcement of an existing Sustainable Containers and Packaging bylaw ([Article 8.32](#)) is informative with regard to this potential new bylaw. As originally passed the Sustainable Containers and Packaging bylaw would require only one part-time staff to enforce. However, a number of factors outside the Health Department's control have made this impossible. Turnover both at the Health Department and among regulated businesses have added challenges in establishing relationships and coming into compliance. The Health Department has faced considerable difficulty in retaining staff in this role due to its part-time status. There are approximately 250 businesses that need to be inspected as part of the existing bylaw. The role includes education, outreach, and inspection. After an initial inspection, a business that is in full compliance would require Health Department staff to write a report and continue to be re-inspected to ensure compliance is maintained. Those businesses found to be out of compliance would still be issued a report. In addition, a reinspection would be scheduled and if the business cannot come into compliance, they can request a hearing and a waiver if they can show an inability to purchase recommended alternative products. Unfortunately, the pandemic has exacerbated supply chain issues and number of businesses in Brookline have had difficulty coming into compliance. This adds to the workload because businesses are given temporary waivers which then require additional inspections and staff time in the same year. If this bylaw is passed, we will need to fund additional staff to address education and outreach, inspections, reports, hearings, and the potential for alternatives products not to be available and the potential for waivers or other unforeseen challenges.

### ***Health Commissioner Perspective***

Enforcing the proposed bylaw would be difficult for the Health Department given our current staffing challenges. If passed, the inability to enforce the bylaw erodes at the Department's credibility on this and other enforcement actions. The existing Sustainable Containers and Packaging bylaw is limited to retail food establishments which the department already has a regulatory relationship with the enforcement of the Federal and State food code. Even with this relationship, staff enforcing the existing Sustainable Containers and Packaging bylaw have faced many challenges, as described above. While reducing single use plastics is a public health and environmental concern, because of these challenges, and the issues around equitable access to alternative products such as wipes or flossers, the Department does not support the Warrant Article and the proposed bylaw.

SELECT BOARD'S RECOMMENDATION

A report and recommendation will be included in the supplemental mailing.

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ADVISORY COMMITTEE'S RECOMMENDATION

**Recommendation:** Favorable Action on the amended main motion by a vote of 22 in favor, 0 opposed and 2 abstaining.

<b>Executive Summary:</b>	Warrant Article 25 was filed to restrict the sale of certain plastic products that contain harmful chemicals in the Town of Brookline, for the purpose of reducing the risk of exposure to people and the environment. The proposed by-law would restrict the sale of: (1) plastic ear swabs, (2) single-use floss picks with plastic handles, (3) over-the-counter cosmetic and health and beauty aid products that contain microbeads or plastic glitter, (4) plastic wet wipes, (5) plastic balloon sticks, and (6) alcoholic beverages in plastic bottles 100 ml or less in volume. The by-law specifically excludes service businesses such as restaurants, medical and dental offices, and hair and nail salons. It also does not regulate prescription products or microbeads covered by any state or federal law. The Advisory Committee made several amendments to the article: (1) to remove over-the-counter cosmetics containing microbeads and all references to microbeads in the article; (2) to remove single-use floss picks; and (3) to remove plastic wet wipes. The amended article passed by a vote of 22 in favor, 0 opposed and 2 abstentions.
<b>Voting Yes will...</b>	Voting Yes will reduce the volume of non-biodegradable plastic products sold in Town, but will add another category of enforcement to the Department of Health and Human Services, which currently has a single, part-time (19 hour/week) health specialist who enforces the plastic, polystyrene and other bans passed by TM some years ago. It assigns the role of promulgating regulations to the Select Board and enforcement responsibility to the Health Department.
<b>Voting No will...</b>	Voting No will have no impact on Town operations.
<b>Financial impact</b>	Enactment of this by-law may have a financial impact on the Town if there is a need for additional staffing for enforcement. It may also have a financial impact on retailers who will need to find alternative products that may be more costly and who will not be able to sell their existing inventory beyond the effective date, July 1, 2023.



<b>Legal implications</b>	It is unclear if there are any legal implications.
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### Introduction

Warrant Article 25 proposes a new by-law to Section 8 of the Town's General By-Laws – Public Health and Safety. The by-law would ban the sale or distribution of certain plastic products containing toxic chemicals sold in retail stores such as supermarkets, drug, liquor and package stores. The products are: (1) plastic ear swabs, (2) single-use floss picks with plastic handles, (3) over-the-counter cosmetic and health and beauty aid products that contain microbeads or plastic glitter, (4) plastic wet wipes, (5) plastic balloon sticks, and (6) alcoholic beverages in plastic bottles 100 ml or less in volume. The Town has already enacted legislation that bans plastic bags and polystyrene for environmental reasons.

This by-law would move the Town further along the goal of reducing plastic products that are harmful to human health and the environment. The Town's Department of Health and Human Services currently employs a part-time health specialist (19 hours/week) to enforce the by-laws that have been passed by Town Meeting that require the enforcement by the Health Department. It is unclear whether that employee will have the capacity to also enforce this by-law; it might require hiring additional staff or converting the part-time position which is not benefit-eligible to one that is. There are also potential negative financial impacts to the affected retail establishments.

### Evaluation Methodology/Research

- Letter from the Massachusetts Sierra Club received April 5, 2022 in support of WA25, notes "In the last ten years, more than 150 communities across the state from Williamstown to the Cape have passed local single-use plastic pollution laws."
- Letter from the Brookline Chamber of Commerce dated March 31, 2022 in opposition to WA 22, WA25 and WA30.
- Letters from residents in support of WA25.
- Two warrant articles passed by Town Meeting in November 2012 that ban polystyrene and plastic bags. See Section 8.32 Sustainable Food Containers and Packaging (effective dates 1/1/2019 and 1/1/2020); and Section 8.33 Sustainable Bags (effective date 7/1/2017 with up to a 1-year waiver).

A warrant article passed by Town Meeting in May 2015 that regulated the sale of bottled water. <https://www.brooklinema.gov/DocumentCenter/View/25283/Brookline-Town-By-Laws>

- H.869 An Act to Reduce Single-Use Plastics from the Environment, which has 29 sponsors including Reps. Vitolo, Elugardo and Balser. Currently in committee. <https://malegislature.gov/Bills/192/H869/BillHistory>
- The European Parliament bill passed and went into effect in 2021 that bans single-use plastics, including many of the products that Brookline has already banned and those that would be banned upon passage of WA25. <https://www.wastedive.com/news/european-parliament-approves-2021-single-use-plastics-ban/551552/>

**Discussion**

Plastic products contain toxic petrochemicals, often undisclosed, which negatively impact human and environmental health. The petitioners filed WA25 to further the goals of reducing plastic exposures that began in Brookline in 2012 with the passage of two warrant articles – one restricting plastic bags, one restricting polystyrene—at the November Special Town Meeting. Single-use plastics are typically unrecyclable, high-volume products that often end up as litter. The number 1 most-littered item is nip bottles; floss picks are number 2. Newton has already banned all nip bottles; Brookline seeks to ban only plastic ones. Wet wipes, defined as nonwoven sheets, are often plastics which, despite warnings on the label, are flushed down the toilet clogging and polluting our wastewater system.

Article 25 states that no retailer shall sell or distribute the following:

1. Plastic ear swabs
2. Single-use floss picks with plastic handles
3. Over-the-counter cosmetic or health and beauty aid products containing microbeads or plastic glitter
4. Plastic wet wipes (with an exemption for those designed and marketed for medical use)
5. Plastic balloon sticks
6. Alcoholic beverages in plastic bottles (nips) 100 ml or less in volume.

The Advisory Committee received many letters in support of Article 25, noting that there are non-plastic alternatives available. The letters also state that the enforcement of this article will not cost the town additional monies because the Department of Health and Human Services has a staff person already tasked with enforcement. Health Director Sigalle Reiss, spoke to the Committee and noted that there is currently one 19-hour a week health specialist available for enforcement, and expressed concern about the ability of the department to do the additional enforcement Articles 22 and 25 would require. She reported that the Advisory Council on Public Health had just met and was not supporting these articles.

A letter received from the Brookline Chamber of Commerce raised additional concerns about the impacts on Brookline businesses “still reeling from the pandemic, supply chain shortages, and hiring challenges.” Among those concerns are the options for substitution, the availability and the expense of alternatives. The Chamber supports eliminating plastic products outlined in both articles as a state mandate, but also stated that it puts Brookline businesses at a competitive disadvantage to do so only at the local level.

A letter received from the Massachusetts Chapter of the Sierra Club is strongly supportive of the proposed articles and has been active in efforts to reduce the use of plastics at the state and local levels. The letter notes that “[i]n the last ten years, more than 150 communities across the state from Williamstown to the Cape have passed local single-use plastic pollution laws.” The letter further states that the by-laws proposed are partly based on proposed state laws, such as H.869, An Act to Reduce Single-Use Plastics from the Environment, which is currently in committee. That Act has 29

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endorsers, including local Reps. Vitolo, Elugardo and Balser. The Single-Use Plastics legislation seeks to reduce plastic bags, polystyrene, plastic straws and plastic water bottles, which are already regulated in Brookline. Additionally, it includes helium balloons, alcohol nips 100 ml or less, plastic-containing wipes and hotel toiletry bottles.

The Advisory Committee discussed each of the six proposed single-use plastic products separately, considering availability, enforceability, and meeting the needs of diverse consumers. Plastic ear swabs and plastic balloon sticks have an easily available alternative (wood); plastic glitter is easy to identify in beauty products, and plastic nip bottles (100 ml or less in volume) were all seen as having available substitutes and easy to enforce. Microbeads were felt to be problematic for retailers to be able to identify, single-use floss sticks have no equally good alternative for those with physical disabilities, for example, and plastic wet wipes, so important during the pandemic, were seen as having no easily available consumer substitutes. The petitioners noted that such wipes could have a medical exemption.

The petitioners met with Health Director Reiss and agreed to change the effective date of both Articles 22 and 25 from January 1, 2023 to July 1, 2023. Section 4 of the proposed by-law reads: “The Brookline Department of Public Health shall be responsible for enforcement and any regulation.” Section 2 of the proposed by-law states that the Select Board is the body that promulgates regulations after holding a public hearing. The Advisory Committee accepted a recommendation to end Section 4 after the word “enforcement” to make it clearer that the Select Board promulgates regulations and the Health Department enforces the regulations.

### **Recommendation**

The Advisory Committee took the following votes:

1. By a vote of 22 in favor, 1 opposed and 1 abstention to amend Article 25 by removing all references to microbeads
2. By a vote of 16 in favor, 6 opposed and two abstentions to amend Article 25 by removing single-use floss picks
3. By a vote of 17 in favor, 6 opposed and 1 abstention to amend Article 25 by removing plastic wet wipes

The Advisory Committee recommends FAVORABLE ACTION on the following amended motion under Warrant Article 25 by a vote of 22 in favor, 0 opposed and 2 abstentions.

**VOTED:** That the Town amend the General Bylaws by adding the following Article:

### ARTICLE 8.XSINGLE-USE PLASTIC PRODUCTS

#### ARTICLE 8.X.1 DEFINITIONS

Glitter: decorative particles that are shiny or reflective and less than six (6) millimeters along the longest dimension.

Single-use plastic (SUPs) products: plastic products or primary packaging that are generally used only once.

#### ARTICLE 8.X.2 RESTRICTIONS

(a) No retailer shall sell or distribute:

- (1) plastic ear swabs,
- (2) over-the-counter cosmetic or health and beauty aid products that contain plastic glitter,
- (3) plastic balloon sticks,
- (4) alcoholic beverages in plastic bottles that are 100 ml or less in volume.

(b) No retailer shall sell or distribute single-use plastic products as may be identified in regulations promulgated by the Select Board to further the purposes of this Bylaw, following a duly noticed public hearing.

#### ARTICLE 8.X.3 EXCLUSIONS

(a) This by-law does not regulate prescription products.

(b) This by-law does not apply to businesses that are primarily service businesses such as restaurants, medical and dental offices, and hair and nail salons.

#### ARTICLE 8.X.4 ENFORCEMENT

The Brookline Department of Public Health shall be responsible for enforcement and any regulation.

This by-law shall not be enforced prior to January 1, 2023.

#### ARTICLE 8.X.5 SEVERABILITY

If any provision(s) of this article is held to be invalid, such provision(s) shall be severable and the remaining sections shall be valid.

And amend section 10.2 PROSECUTIONS AND ENFORCEMENT as follows:

#### **DIRECTOR OF HEALTH & HUMAN SERVICES**

Part VIII-Public Health & Safety

Articles 8.1, 8.2, 8.3,

8.4, 8.6, 8.7,

8.8, 8.9,

8.10, 8.11,

8.12, 8.13,

8.14, 8.15,

8.16, 8.22,

8.23, 8.32,

8.37, 8.38

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By adding this article number to the list of Articles following “8.38”.

And amend section 10.3 NON-CRIMINAL DISPOSITION to include the following enforcement schedule:

### ARTICLE 8.XSINGLE-USE PLASTIC PRODUCTS BY-LAW

Per product:

Initial Violation	Warning
First Offense	\$50.00
Second and Subsequent	\$100.00

## ARTICLE 25 ADVISORY COMMITTEE VOTES

Article Description	Restricting certain plastic sales, as amended
AC recommendation (Favorable Action unless indicated)	22-0-2
Scott Ananian	Y
Carla Benka	Y
Ben Birnbaum	Y
Harry Bohrs	Y
Cliff Brown	Y
John Doggett	A
Katherine Florio	Y
Harry Friedman *	
David-Marc Goldstein	Y
Neil Gordon	Y
Susan Granoff	Y
Kelly Hardebeck	Y
Anita Johnson	Y
Georgia Johnson	
Alisa Jonas	Y
Janice Kahn	Y
Carol Levin	Y
Pam Lodish	Y
Linda Olson Pehlke	Y
Donelle O'Neal, Sr.	A
David Pollak	Y
Stephen Reeders	Y
Carlos Ridruejo	Y
Lee Selwyn	Y
Alok Somani	Y
Christine Westphal	Y
Dennis Doughty	
* Chairperson does not vote except to break a tie	

XXX

ARTICLE 26TWENTY-SIXTH ARTICLE

Submitted by: Deborah Brown, P1, Kimberly Richardson, P2, Luciana Schachnik, Arthur Conquest, Emy Takinami, Wendy MacMillan, Tamu Jackson, Kristin Singleton, Lauren Bernard, Donelle O'Neal, Sr.,

To see if the Town will vote to amend Article 3.16 of the Town's General Bylaws as follows: (deletion appearing in strikeout, addition in bold underline):

**ARTICLE 3.16 PARK AND RECREATION COMMISSION**

~~There shall be a Park and Recreation Commission to consist of seven residents, appointed by the Select Board for threenyear staggered terms.~~

**SECTION 3.16.1. PURPOSE**

The goals of the commission are to deliver programs that are cultural, social, mental, and physically based, which are presented at well-maintained parks and facilities. Brookline seeks programs that meet appropriate community based needs, that are cost efficient and within the reach of the overall community resource base. These programs will also provide the highest level of participant satisfaction.

**SECTION 3.16.2. PARK AND RECREATION AREA PROGRAMS**

The Park and Recreation Commission shall, (a) at least annually, **prepare, consider, and approve a parks and recreation comprehensive plan. An update shall be considered no less frequently than every five (5) years;** (b) promulgate a proposed Program for such substantial construction, alteration or repair of the parks and recreation areas in the Town over the following five (5) years as it may consider appropriate, including estimates of expected costs; (c) advertise such proposed program at least twice in a newspaper of general circulation in the Town and on social media; (d) conduct a public hearing concerning such proposed program at a time and place specified in such advertisement; (e) after such public hearing and such further revision as it may consider necessary, submit such proposed program for approval to the Select Board.

**The commissioners will design and produce annually a youth engagement assessment and recommendations to increase participation of low-income families and families suffering extenuating circumstances in recreation programming. When under-engagement is identified, the commissioners will devise programming and seek funding for increased participation, including Limited English Proficiency tools. The commissioners shall submit the analysis and recommendations for increased engagement by low-income families and families suffering extenuating circumstances to Select Board for review and consideration annually.**

**3.16.3. COMMISSION MEMBERSHIP**

There shall be a Park and Recreation Commission that consists of nine (9) residents appointed by the Select Board for three year staggered terms. Vacancies shall be filled for unexpired terms. Of the nine (9) appointees, three shall be low or moderate income tenants who reside in subsidized housing units as defined by the Comprehensive Permit Law (Massachusetts General Laws Chapter 40B, Sections 20-23, and Massachusetts regulations thereunder) or who receive state or federally sponsored rent subsidies and who demonstrate a knowledge of tenant issues. At least one of the low or moderate-income tenants shall be a resident of a Brookline Housing Authority or a recipient of BHA-administered rent subsidies. In addition to the nine (9) members, Select Board may also appoint two (2) youth members, who hold the same rights and responsibilities as all other members.

**SECTION 3.16.4 PARKS AND RECREATION AFFORDABILITY**

The commission shall fulfill community-based needs cost efficiently and within the reach of the overall community resources while providing the highest level of participant satisfaction.

Low- or moderate income tenants who reside in subsidized housing units as defined by the Comprehensive Permit Law (Massachusetts General Laws Chapter 40B, Sections 20-23, and Massachusetts regulations thereunder), those who receive state or federally sponsored rent subsidies or families whose children qualify for free or reduced price meals based on a household income within limits set by the Federal Income Guidelines, if the family receives benefits (such as SNAP or TANF), or if your family is homeless or is a foster child shall receive up to 100% financial aid to participate in Parks and Recreation Programming. Such persons shall be able to attend at least one program per quarter or complete a full program and at least two programs during the summer months.

Other families suffering extenuating circumstances may receive financial aid up to 100% of the cost of a session per quarter and two weeks of programming during the summer. Parks and Recreation regulations will define what constitutes extenuating circumstances.

When enrolling for Parks and Recreation Programming, residents must provide proof of income based on their residing at BHA or in Section 8 housing or they qualify for free or reduced price meals based on a household income within limits set by the Federal Income Guidelines, if the family receives benefits (such as SNAP or TANF), or if your family is homeless or your student is a foster child.

If approved for financial assistance, the household must update records annually for review. However, if a family resides at BHA, in Section 8 housing or receives free or



reduced lunches, in lieu of updating data, BHA or the Brookline Schools may provide documentation on behalf of the household to satisfy proof of financial need.

### SECTION 3.16.5 PARKS AND RECREATION FUNDING

Select Board will search for and identify a permanent funding stream to subsidize parks and recreational programming for low income families and families suffering extenuating circumstances for the Commission by 2024.

Commissioners will fundraise for the parks and recreation system, including research and recommendations on grant applications. The Commission may not submit grant applications or receive grant funds without consent of the Select Board.

### SECTION 3.16.6 OPEN SPACE DESIGN REVIEW PANEL

In order to ensure that all plans for the substantial construction, alteration or repair of a park or recreation area under the jurisdiction of the Commission respect the historical, cultural, aesthetic, and open space values of the Town and serve the expressed needs of the primary community to be served by the improvement, the Commission shall appoint a Park and Open Space Design Review Panel, hereinafter called the review panel, for each such plan. The review panel shall consist of ~~four~~ five members to be appointed by the Commission from its membership, and three members to be appointed by the Commission who represent those people who are the likely passive and active users of the improvement including, when appropriate, people from the neighborhood where the improvement is located and people who reside in low income and subsidized housing as described in SECTION 3.162. One of the nine (9) shall be trained in landscape architecture or in another relevant field. The review panel shall choose its chair. The review panel shall meet promptly after its appointment and shall carry out the following functions: recommendation of a consultant for the plan, if such a consultant is to be hired; convening of at least two public hearings at times accessible to the broadest range of residents; and review of the plan before contracts for the work are to be let.

### 3.16.7 WOMEN AND DISADVANTAGED BUSINESS ENTERPRISE

Contracts entered into by the Parks and Recreation Commission shall make best efforts to meet or exceed applicable state and federal racial equity and women and disadvantaged business goals.

### 3.16.8 PROMULGATION OF REGULATIONS

The Commission shall develop and promulgate regulations and policies as necessary to effectuate the requirements and goals of this Section.

This bylaw, as amended, shall take effect on July 1, 2022

or act on anything relative thereto.

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PETITIONER’S ARTICLE DESCRIPTION

“Play is important for the emotional, social, cognitive, and physical development of children. In addition to being critical for general health and a preventative against overweight, play develops life skills for children and communication skills among peers and family members.<sup>1</sup>” “According to the report, play's benefits extend to psychological well-being. Play provides an opportunity for a student to shine in areas that are not strictly academic and thus contributes to the child's personal sense of pride and belonging in her school environment. This has the potential to discourage truancy and encourage children to remain in school to complete their education.<sup>2</sup>” “Having access to quality play spaces and playgrounds gives children the health benefits of being physically active, a way to develop motor skills, a place to improve mental health, and they contribute to the overall health outcomes of a community.” It is not just access to build playgrounds and natural environment play spaces, she says, but also the connection to social resources and social capital of the community. “Playgrounds build social cohesion.<sup>3</sup>”

Further, “for kids, playgrounds are equivalent to the “public square” for adults — that is, places where all may freely express themselves. Many play experts and park and recreation professionals attest to the inclusive nature of play and the need for playgrounds to be inclusive.<sup>4</sup>”

Finally, recreation in nature allows one’s vitamin D levels rise, get more exercise, be happier and improve one’s concentration.

Covid has only exacerbated the need for consistent recreational opportunities.

Income does have a direct relationship between a family’s ability to engage in recreation. Median household income in Brookline, MA is \$117,326. In 2019, the place with the highest median household income in Brookline, MA was Census Tract 4011 with a value of \$189,643, followed by Census Tract 4012 and Census Tract 4006, with respective values of \$174,667 and \$156,797. Males in Massachusetts have an average income that is 1.33 times higher than the average income of females, which is \$67,290. The income inequality in Massachusetts (measured using the Gini index) is 0.483, which is higher than the

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<sup>1</sup> **Recreational Play Can Be Far More Important Than Academics**, *The Atlantic*, *By Esther Entin* JANUARY 16, 2012.

<sup>2</sup> Id.

<sup>3</sup> **Parks and Recreation Magazine, The Value of Play, Playgrounds and Parks During the Pandemic**, November 18, 2021, Feature, by Richard J. Dolesh

<sup>4</sup> Id.

national average. The economy of Brookline, MA employs 32.7k people. The median property value is \$933,200 and the home ownership rate is 48.9%.

Brookline does have some alarming poverty statistics. Twelve percent (12%) of Brookline's residents live below the poverty level. Nine percent of female residents live in poverty. The race most likely to be in poverty in Brookline is Black, with 32.11% below the poverty level. The race least likely to be in poverty in Brookline is White, with 8.76% below the poverty level. Asians have a 19.05% poverty rate while Latinx have a 18.75% poverty rate, groups identifying as multiple races have a 18.75% rate, Others have a 29.28% rate and Native Americans have a 11.5% poverty rate. The poverty rate among those that worked full-time for the past 12 months was 1.31%. Among those working part-time, it was 19.75%, and for those that did not work, the poverty rate was 27.51%.

BHA has a total of 1,501 residents and 354 are of children 18 years and younger. WE also know that:

# families with 1 child 18 years old and younger	= 110
# families with 2 children 18 years old and younger	= 57
# families with 3 children 18 years old and younger	= 21
# families with 4 children 18 years old and younger	= 11
# families with 5 children 18 years old and younger	= 4

The average BHA income ranges by property between \$14,906 - \$23,059. Overall the average income is \$18,601.

We also know that camp programs cost approximately \$285 per week. Parks will generally only pay 30% of the cost of a class or \$85 leaving parents to pay \$200 per week per class or \$1,000 for one month.

**A total of 34 children attended camp for free and approximately 93 received partial scholarships. BHA has 354 who would benefit from the programming, yet there are not the funds. Most do not know how poorly Parks is funded or the needs.**

Between FY21 – 22, the Rec Dept. applies for funding through the Brookline Community Foundation and with this grant they are able to send 20 children to camp for free. Eight of those children came through Brookline Community Mental Health (BCMh) and the other 12 children came through Steps to Success (STS).

In addition to this, BREC offered free camp to an additional 12 BCMh children who weren't covered by the grant.

- 3 children received free camp through the voucher program
- 11 additional STS students were able to get free camp at the Park School Summer Program through a partnership between Park School and the Town of Brookline.
- BREC also gave an additional 12 children a partial scholarship to Rec Summer Camp

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Also, during FY21-22, the “General Programs Funded through Rec Financial Aid” include:

- 80 students partial scholarships to programming *other than camp* so far for FY22.
- 8 families at the low income level, 5 families at the very low income level and the rest of the families fall under the extremely low income level.

Actual funding does not bridge the gap between youth in need and the total number of children able to participate in the programming.

Ultimately, participation comes down to funding. Rec reserved funds total approximately \$686,807 in retained earnings at the end of the last fiscal year. Its utilize Reserve for Rec Capital projects and they currently have \$1.2 million in Capital Projects in future years.

This warrant article will not bankrupt the town and in a very real sense could serve to save the town money.

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### **MOTION OFFERED BY THE PETITIONER**

MOVED: That the Town will vote to amend Article 3.16 of the Town's General Bylaws as follows: (deletion appearing in strikeout, addition in bold underline):

#### ARTICLE 3.16. PARK AND RECREATION COMMISSION

~~There shall be a Park and Recreation Commission to consist of seven residents, appointed by the Select Board for threenyear staggered terms.~~

#### SECTION 3.16.1. PURPOSE

The goals of the commission are to deliver programs that are cultural, social, mental, and physically based, which are presented at well-maintained parks and facilities. Brookline seeks programs that meet appropriate community based needs, that are cost efficient and within the reach of the overall community resource base. These programs will also provide the highest level of participant satisfaction.

#### SECTION 3.16.2. PARK AND RECREATION AREA PROGRAMS

The Park and Recreation Commission shall, (a) at least every five (5) years, **prepare, consider, and approve a parks and recreation comprehensive plan. An update shall be considered no less frequently than every year;** (b) promulgate a proposed Program for such substantial construction, alteration or repair of the parks and recreation areas in

the Town over the following five (5) years as it may consider appropriate, including estimates of expected costs; (c) advertise such proposed program at least twice in a newspaper of general circulation in the Town and on social media; (d) conduct a public hearing concerning such proposed program at a time and place specified in such advertisement; (e) after such public hearing and such further revision as it may consider necessary, submit such proposed program for approval to the Select Board.

The commissioners will design and produce annually a youth engagement assessment and recommendations to increase participation of low-income families and families suffering extenuating circumstances in parks and recreation programming. When under-engagement is identified, the commissioners will devise programming and seek funding for increased participation, including Limited English Proficiency tools. The commissioners shall submit their analysis and recommendations for increased engagement by low-income families and families suffering extenuating circumstances to Select Board for review and consideration annually.

#### 3.16.3. COMMISSION MEMBERSHIP

~~There shall be a Park and Recreation Commission that consists of nine (9) residents appointed by the Select Board for three year staggered terms. Vacancies shall be filled for unexpired terms. Of the nine (9) appointees, three shall be low or moderate income tenants who reside in subsidized housing units as defined by the Comprehensive Permit Law (Massachusetts General Laws Chapter 40B, Sections 20-23, and Massachusetts regulations thereunder) or who receive state or federally sponsored rent subsidies and who demonstrate a knowledge of tenant issues. At least one of the low or moderate income tenants shall be a resident of a Brookline Housing Authority or a recipient of BHA administered rent subsidies. In addition to the nine (9) members, Select Board may also appoint two (2) youth members, who hold the same rights and responsibilities as all other members.~~

#### SECTION 3.16.4 3.16.3 PARKS AND RECREATION AFFORDABILITY

The commission shall fulfill community-based needs in a cost efficient manner and within the reach of the overall community resources, while providing the highest level of participant satisfaction.

Low- or moderate income tenants ~~who residing~~ residing in subsidized housing units as defined by the Comprehensive Permit Law (Massachusetts General Laws Chapter 40B, Sections 20-23, and Massachusetts regulations thereunder), those ~~who receiving~~ state or federally sponsored rent subsidies or families whose children qualify for free or reduced price meals based on a household income within limits set by the Federal Income Guidelines, ~~if the family~~ families receiving receives benefits (such as SNAP or

TANF), or if ~~your family is~~ families who are homeless or ~~is a foster child~~ families fostering a child shall receive up to 100% financial aid to participate in Parks and Recreation Programming. ~~Such persons shall be able to attend at least one program per quarter or complete a full program and at least two programs during the summer months.~~

Other families suffering extenuating circumstances may receive financial aid pursuant to this Section 3.16.3. ~~up to 100% of the cost of a session per quarter and two weeks of programming during the summer.~~ Parks and Recreation regulations will define what constitutes extenuating circumstances.

When enrolling for Parks and Recreation Programming, residents must provide proof of eligibility based on the requirements described above. ~~income based on their residing at BHA or in Section 8 housing or they qualify for free or reduced price meals based on a household income within limits set by the Federal Income Guidelines, if the family receives benefits (such as SNAP or TANF), or if your family is homeless or your student is a foster child.~~

If approved for financial assistance, the household must update records annually for review. However, if a family resides in a Brookline Housing Authority (BHA) property, in Section 8 housing, other subsidized housing in Brookline, or receives free or reduced lunches, in lieu of updating data, BHA or the Brookline Schools may provide documentation on behalf of the household to satisfy proof of financial need.

#### SECTION 3.16.5 3.16.4 PARKS AND RECREATION FUNDING

~~Select Board will search for and identify a permanent funding stream to subsidize parks and recreational programming for low income families and families suffering extenuating circumstances for the Commission by 2024.~~

Commissioners will fundraise for the parks and recreation system, including proposing funding research and recommendations. ~~on grant applications.~~ The Commission may not submit grant applications or receive grant funds without consent of the Select Board.

#### SECTION 3.16.6 3.16.5 OPEN SPACE DESIGN REVIEW PANEL

In order to ensure that all plans for the substantial construction, alteration or repair of a park or recreation area under the jurisdiction of the Commission respect the historical, cultural, aesthetic, and open space values of the Town and serve the expressed needs of the primary community to be served by the improvement, the Commission shall appoint

a Park and Open Space Design Review Panel, hereinafter called the review panel, for each such plan. The review panel shall consist of four members to be appointed by the Commission from its membership, and three members to be appointed by the Commission who represent those people who are the likely passive and active users of the improvement including, when appropriate, people from the neighborhood where the improvement is located ~~and people who qualify for the affordability subsidies who reside in low income and subsidized housing as described in SECTION 3.16.2.~~ One of the seven (7) shall be trained in landscape architecture or in another relevant field. The review panel shall choose its chair. The review panel shall meet promptly after its appointment and shall carry out the following functions: recommendation of a consultant for the plan, if such a consultant is to be hired; convening of at least two public hearings at times accessible to the broadest range of residents; and review of the plan before contracts for the work are to be let.

#### ~~3.16.7~~ 3.16.6 WOMEN AND DISADVANTAGED BUSINESS ENTERPRISE

~~Contracts entered into by the Parks and Recreation Commission shall make best efforts to meet or exceed applicable state and federal racial equity and women and disadvantaged business goals.~~

#### ~~3.16.8~~ 3.16.7 PROMULGATION OF REGULATIONS

~~The Commission shall develop and promulgate regulations and policies as necessary to effectuate the requirements and goals of this Section.~~

~~This bylaw, as amended, shall take effect on July 1, 2022~~

### **COMMISSION FOR DIVERSITY, INCLUSION AND COMMUNITY RELATIONS REPORT AND RECOMMENDATION**

The mission of the CDICR is to support a welcoming environment by encouraging cooperation, tolerance, and respect among and by all persons who come in contact with the Town of Brookline (i.e., visitors, residents, employers, employees etc.) by advancing, promoting and advocating for the human and civil rights of all through education, awareness, outreach and advocacy.

The CDICR reviewed the warrant article on 4/20/2022 in a public hearing. By a vote of 7-0-0 the CDICR recommends FAVORABLE ACTION Warrant Article 26.

### **DISCUSSION**

## 12.A.

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Warrant Article 26 seeks to amend **Article 3.16 Parks and Recreation Commission**. The article was presented by Deborah Brown, chief petitioner. The article aims to increase participation of low-income children and families in recreational activities by doing an annual youth engagement assessment and, then, to make recommendations to increase participation. The main barrier for some is financial. The Rec Department now provides scholarships for some of these children but only up to 30% of the cost. For context, the average BHA tenant earns \$16,000/year. Even with the 30% scholarship, there still is a significant financial impediment for some to join. It is well known that it is important for children (and adults, for that matter) to be able to engage in regular physical activity. This change would have financial impact on the Rec Department, which currently spends \$150,000/year on scholarships, paid for from the Revolving Fund. The Department would need additional staff, currently reduced due to COVID, not only for to staff the activities but also to apply for grants. Mel Kleckner has committed some funding for first year, but after that, additional finding would be needed, possibly from the Brookline Community Foundation, to name one. The need to pursue further funding options is paramount. The article has been amended to remove Section 3.16.3, delineating membership of Commission, since this is set by state law. Deborah Brown plans to write a budget amendment to fund costs. Two members of the public spoke in favor of the article.

Therefore, the commission voted FAVORABLE on the warrant article as amended, by a vote of 7-0-0.

Commissioners present and voting: Irving Allen – yes, Sandy Batchelder -yes, Jessica Chicco – yes, Harvey Freishstat -yes, Bob Lepson – yes, Bishnu Tamang – yes, Kea van der Ziel -yes

### SELECT BOARD'S RECOMMENDATION

A report and recommendation under Article 26 will be included in the supplemental mailing.

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### ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation under Article 26 will be included in the supplemental mailing.

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